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November 15, 2006

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

MARINA DEL REY - MELLO ACT POLICY OPTIONS (ITEM NO. 11, AGENDA OF AUGUST 1, 2006)

On August 1, 2006, your Board, on a motion by Supervisor Knabe, directed my office to report back on the following:

- 1) Work with the task force to finalize the proposed Marina del Rey Affordable Housing Policy; and
- 2) Prepare the necessary environmental documentation with comments and proposed revisions from interested parties and the public for the Board's consideration within 90 days.

Additionally, County Counsel was instructed to work with the Task Force to devise an Affordable Housing Policy options document for your Board's review prior to voting on the final policy.

The attached report identifies a range of policy options that the Board may consider to select a draft policy. The report indicates where the draft policy provisions fit within the range of policy options, and evaluates the consistency of the draft policy with Mello Act requirements. The range of policy options reflects the public input received by the Task Force on the draft policy.

Background

On April 4, 2006, your Board directed my office to form and lead a task force comprised of the Directors of the Departments of Beaches and Harbors, Regional Planning, the Community Development Commission and County Counsel, to review the County's current Marina del Rey Affordable Housing Policy and report back to your Board with proposed revisions and/or recommendations to the current policy to ensure full compliance with Mello Act requirements. Following a series of meetings and discussions with the Task Force, and taking into account input received from your staff, on June 22, 2006, we transmitted to you a draft affordable housing policy for your consideration. On September 7, 2006, the Task Force convened a community forum at Burton Chace Park in Marina del Rey, in which the Task Force made a brief presentation on the draft policy and received input from attendees.

Public Outreach on the Draft Policy

In response to comments from you at your meeting on August 1, 2006, the task force organized and held a community forum at Burton Chace Park in Marina del Rey on the evening of September 7, 2006. The task force was present at the community meeting and presented the draft Mello Act policy and received public comments. Meeting notices were mailed to a comprehensive list of individuals and groups that the Departments of Beaches and Harbors and Regional Planning identified as having an interest in Marina del Rey development and the Marina affordable housing policy. An announcement was printed in the local newspaper, *The Argonaut*, and the draft policy was made available on the website of the Department of Beaches and Harbors.

It is estimated that over 60 people attended the meeting, including residents of Marina del Rey and neighboring communities, affordable housing advocacy groups, representatives for the Marina lessees, other concerned individuals, and county staff. After a presentation by a representative from the Chief Administrative Office, public testimony was received by approximately 20 people. A written transcript of the meeting and correspondence received from the public are included with the report.

Recommendations

It is recommended that the environmental documentation for the draft policy not be prepared until after the task force has prepared a final draft policy based on your direction. Environmental review of the draft policy pursuant to the California Environmental Quality Act (CEQA) is appropriate to initiate once the policy parameters are known.

Each Supervisor
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The task force recommends that your Board conduct a public hearing to obtain feedback on the range of options and to allow for discussion and action by the Board, with instructions to the Chief Administrative Officer for preparing the final policy and environmental documentation. In order to finalize the policy as a "project" for the purposes of completing the CEQA review, it is necessary to incorporate any Board decisions in the draft policy. It is also appropriate to obtain public input at a public hearing since the range of options resulted in large part from input from the community and various stakeholders groups that have commented on the draft policy.

If you have any questions regarding this matter, please contact me or your staff may contact John S. Edmisten, of my staff, at (213) 974-7365.

DEJ:JSE
SHK:mdc

Attachments

c: Executive Officer, Board of Supervisors
 Beaches and Harbors
 Community Development Commission
 County Counsel
 Regional Planning

11/15/06

**REPORT TO THE
LOS ANGELES COUNTY
BOARD OF SUPERVISORS**

MELLO ACT POLICY OPTIONS

November 2006

This report provides the background for the Chief Administrative Officer's response to the Board motion, dated August 1, 2006, to report back on the following:

- 1) Work with the task force to finalize the proposed Marina del Rey Affordable Housing Policy; and
- 2) Prepare the necessary environmental documentation with comments and proposed revisions from interested parties and the public for the Board's consideration within 90 days.

Additionally, County Counsel was instructed to work with the task force to devise an Affordable Housing Policy options document for your Board's review prior to your Board's consideration of the environmental document and draft policy.

This report provides the affordable housing policy options document that was prepared by the task force in conjunction with County Counsel. It also discusses how the County, in compliance with the Mello Act, has developed a draft affordable housing policy for Marina del Rey, and has also responded to the Board's request to identify and evaluate a corresponding range of policy options. With this information, the Board may consider "fine tuning" the draft policy, as it deems appropriate, to accomplish policy objectives in a manner that is reasonable when weighed with the county's proprietary role as landowner and lessor.

It is recommended that environmental review of the draft policy pursuant to the California Environmental Quality Act (CEQA) not commence until after the task force has revised the draft policy in accordance with any further direction your Board may provide at this time, in order to better define the "project" for purposes of completing the CEQA review.

This further consideration of the draft policy by your Board will also provide the public an additional opportunity to comment on the draft policy. In addition, public comment may be submitted during the environmental review period.

BACKGROUND

Task Force Review of Current Policy

On April 4, 2006, your Board directed the Chief Administrative Officer to form and lead a task force comprised of County Counsel and the Directors of the Departments of Beaches and Harbors, Regional Planning and the Community Development Commission, to review the County's current Marina del Rey Affordable Housing Policy and report back to your Board with proposed revisions and/or recommendations to the current policy to ensure full compliance with Mello Act requirements. Following a series of meetings and discussions with the task force, and taking into account input received from your staff, on June 22, 2006, we transmitted to you a draft affordable housing policy for your consideration.

Public Comments on the Draft Policy

Synopsis of Community Meeting

In response to comments from you at your meeting on August 1, 2006, the task force organized and held a community forum at Burton Chace Park in Marina del Rey on the evening of September 7, 2006. The task force was present at the community meeting and presented the draft Mello Act policy and received public comments. Meeting notices were mailed to a comprehensive list of individuals and groups that the Departments of Beaches and Harbors and Regional Planning identified as having an interest in Marina del Rey development and the Marina affordable housing policy. An announcement was printed in the local newspaper, *The Argonaut*, and the draft policy was made available on the website of the Department of Beaches and Harbors.

It is estimated that over 60 people attended the meeting, including residents of the Marina and neighboring communities, affordable housing advocacy groups, representatives for the Marina lessees, other concerned individuals, and county staff. After a presentation by a representative from the Chief Administrative Office, public testimony was received by approximately 20 people. A transcript of the staff presentation and oral testimony at the community meeting is provided in **ATTACHMENT 1**. Written correspondence received regarding the draft policy is provided in **ATTACHMENT 2**.

The County has received oral and written public comments regarding the draft policy. The issues raised at the community meeting are similar to those raised by the Western

Center on Law and Poverty and other housing advocates (collectively referred to as the “Housing Advocates”) and by Latham and Watkins (representing a local developer) at your meetings on July 25, 2006 and August 1, 2006 where your Board discussed the draft policy. The issues raised regarding the draft policy have been considered by the Marina affordable housing task force in identifying and discussing the policy issues contained in this report. A response-to-comments document is provided in

ATTACHMENT 3.

LEGAL REQUIREMENTS

The continuing lack of housing affordable to a broad range of incomes, particularly within areas in and around the coast, as well as widespread dissatisfaction among local governments with the California Coastal Commission’s handling of affordable housing policy, prompted the passage in 1981 of a statewide coastal affordable housing law known as the Mello Act.¹

The Mello Act transferred responsibility for affordable housing in the Coastal Zone from the Coastal Commission to each jurisdiction whose boundaries include a portion of the Pacific Ocean coastline, as defined by the Coastal Act of 1972, as amended. The Mello Act requires that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone has the responsibility to both provide for replacement housing units when existing affordable housing is converted or demolished, and support the creation of affordable housing units through new construction in a manner consistent with the Act. Compliance is required for that portion of a jurisdiction which is located within the Coastal Zone.

The Mello Act is intended to provide local jurisdictions with discretion in imposing affordable housing requirements in the Coastal Zone, because each situation presents some unique facts and public policy considerations. The Mello Act must be implemented in conjunction with various other State mandates, such as the California Coastal Act, the California Environmental Quality Act (CEQA), State Density Bonus Law, and Statewide Housing Element Law.² Although the Mello Act references housing element law, to harmonize its requirements with the broader mandate for local government planning efforts aimed at providing adequate housing for the broad range of economic segments within each local jurisdiction, the Act does not provide similar clarity as to how Coastal Act and CEQA requirements affect the implementation of the Mello Act.

As a local government entity, the County must reconcile these often conflicting state mandates when approving housing developments within the Coastal Zone on a project-by-project basis. It is not possible to develop an affordable housing policy today that can predict, with certainty, the housing that will be constructed in the future. Therefore, it

¹ California Government Code Section 65590, *et seq.*

² Article 10.6 (commencing with Section 65580) of the Government Code.

is appropriate for the County to establish a Mello Act policy that is flexible enough to implement over time and through a process that considers the uniqueness of each project and site.

POLICY ISSUES

In general, the issues raised in the public comments received to date are not directly addressed in the Mello Act or the case law interpreting the Mello Act, but rather are matters of policy for your Board to consider. The draft policy as currently formulated meets the legal requirements of the Mello Act, and can be lawfully adopted so long as appropriate findings are made in support of the policy. To provide you with the ability to fine tune the draft policy, a comparison table is included in **ATTACHMENT 4**, which identifies and compares the legal requirements under the Mello Act to both the draft policy and various policy options. The arguments for and against the policy options are identified for each general issue.

Feasibility

The Mello Act applies to the demolition, conversion, and construction of housing within the Coastal Zone, and is intended to both preserve existing affordable housing for persons and families of low and moderate income and create new affordable housing where such housing is feasible.

The basic requirements of the Mello Act are:

1. Replacement of converted or demolished residential units that are occupied by persons or families of low or moderate income (referred to as “replacement units”);
2. Demolished or converted residential structures may only be replaced with a non-residential use if it is determined that a residential use is no longer feasible at that location; and
3. New housing developments, where feasible, must provide housing units for persons and families of low or moderate income (referred to as “inclusionary units”).

Pursuant to the Mello Act, replacement units must be located on-site or elsewhere in the Coastal Zone if feasible otherwise they must be located within three miles of the Coastal Zone (referred to as the “extended coastal zone”). Inclusionary units must be provided on-site, unless it is not feasible to do so. If it is not feasible to provide the inclusionary units on-site, they must be located within the Coastal Zone or within the extended Coastal Zone, if feasible.

The Mello Act defines “**feasible**” as “*capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technical factors.*”

Only two cases have interpreted the Mello Act. In *Venice Town Council, Inc. v. City of Los Angeles*, 47 Cal.App.4th 1547 (1996), a challenge to the City of Los Angeles’ implementation of the Mello Act, the court held that the City had a mandatory duty to comply with Mello Act requirements by making certain factual determinations, including the determination of the number of replacement units and determinations of feasibility, and to take certain actions based on those determinations.

In *Coalition of Concerned Communities, Inc. v. City of Los Angeles*, 34 Cal.4th 733 (2004), the court held that the Mello Act did not apply to a project which did not have housing impacts within the Coastal Zone, where the challenged project was partially within the Coastal Zone but no housing was proposed for the Coastal Zone portion of the project.

Neither of these cases provides much guidance concerning the particular issues raised by the public regarding the draft policy.

In public comments, concerns were raised that the draft policy is deficient because it fails to address the methodology and threshold for determining a project’s feasibility with or without income-restricted units. We believe the draft policy on feasibility is legally sufficient.

As stated previously, the Mello Act defines “feasible” in a manner that considers four factors that encompass a broad range of experience. Accordingly, the Mello Act focuses on whether a project can be accomplished successfully in a reasonable period of time, taking into account those factors, not just the economics of a project.

Based on this broad, qualitative definition, and because of the uniqueness of projects within the Marina, the task force concluded that it was preferable to provide a basic methodology in the draft policy for determining feasibility, rather than providing a specific formula or threshold.

Contrary to comments received from the Housing Advocates, the draft policy is not silent on a project’s feasibility. Rather, it requires the applicant to submit detailed information to the County for purposes of determining a project’s feasibility. This information must include:

1. An evaluation of the impacts created by available incentives (such as density bonuses and available state and local assistance programs);
2. An estimate of the developer’s return that would be generated by the project, which will be compared to a feasibility factor equal to the capitalization rate for apartment sales in Los Angeles County plus up to 200 basis points; and

3. An evaluation of whether the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

This approach is consistent with the requirements of the Mello Act.

In public comments, concerns were also raised that the draft policy does not quantify a specific County commitment to reduce ground lease rent to make on-site affordable units feasible. The proposed policy states that the County is willing to reduce its ground lease rent on inclusionary units, but it does not provide a specific percentage or maximum amount of rent the County is willing to forgo to make a project feasible. Concerns were also raised that if there is no maximum level of County concessions identified, then a methodology for determining feasibility cannot be established.

According to the Mello Act, the County is required to “offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees” in order to assist in the provision of inclusionary housing units. With the County as the landowner and lessor in Marina del Rey it is in a unique position to offer rent concessions, if needed, as “other incentives” to achieve feasibility for a project.

The extent to which the provision of inclusionary housing units is feasible can initially be determined independent of any County rent concessions. The applicant should first factor in the provision of density bonuses and any source of funding or financing for affordable housing that the applicant seeks to determine feasibility. In the event that the provision of inclusionary housing units is determined to be infeasible on-site, or off-site within the Coastal Zone or within three miles thereof, the County will work with the applicant on a case-by-case basis to consider additional incentives and concessions, including ground lease rent concessions, to contribute to the feasibility of providing inclusionary housing units.

While the County has the ability to contribute to the feasibility of affordable housing developments in the Marina through rent concessions, this has a corresponding negative consequence of reducing lease revenue to the County, which revenue funds other County social programs of county-wide significance. The Board must consider how increasing the number of affordable housing units in the Marina, the Coastal Zone, or within the extended Coastal Zone, will impact its county-wide social programs. The task force believes that the goals and requirements set forth in the draft policy provide a reasonable balance between these competing public interests.

Parameters

Compliance with the Mello Act can be achieved within a range of actions based upon a number of factors. As shown in **ATTACHMENT 4**, the task force’s policy recommendations can be compared side-by-side next to both the Mello Act

requirements and the range of various options to identify where the recommended policy fits within that range. The County has the flexibility to set the policy parameters within the range of options that are consistent with the Mello Act. Important factors to consider for the County's Mello Act implementation program include:

- Local Implementation
- New Construction Requirement (Inclusionary)
- Calculation Method
- Replacement Housing
- Location of Units
- Rehabilitation
- Duration of Affordability
- Housing Tenure
- In Lieu Fees
- Off-Site Compliance
- Stakeholder Input

Local Implementation

In public comments, it was noted that the Mello Act is intended to provide local jurisdictions with discretion in imposing affordable housing requirements in the Coastal Zone and the County is not legally required to reexamine the existing rules upon which developers of proposed projects have reasonably relied. The Mello Act clearly states that ordinances or programs are not required to implement the statute's provisions. However, a policy has the positive consequence of creating certainty for the development community as to what requirements will apply to future development projects. Without certainty, projects may fail due to prolonged predevelopment expenses and difficulty in securing the necessary financial backing to construct more housing. The Mello Act acknowledges the need for certainty and predictability by defining feasibility in terms of whether a project can be completed in a "successful" manner within a "reasonable" period of time. The task force agrees that without a clear policy, housing production in the Marina could be inhibited.

Public comments were also received that emphasized the need for clearly defined feasibility criteria. Prolonged debate over a project's feasibility can cause developers and housing advocates to spend inordinate amounts of time and resources on lengthy reports, competing experts, and litigation, while the housing crisis worsens. The County has the discretion to limit debate by adopting a uniform methodology for making feasibility determinations based on objective parameters and establishing a clear procedural path. We agree that clarity is needed and believe that the draft policy provides a uniform set of requirements and goals that apply to future developments in a reasonable manner.

The Mello Act does not require local jurisdictions to establish a "one size fits all" approach, but authorizes local jurisdictions to adopt programs that are specifically

tailored to address local needs. By updating the policy as proposed by the task force, the County can provide affordable housing in the Coastal Zone through a flexible regulatory program that provides affordable housing without unduly limiting new market rate supply while appropriately balancing its need to responsibly generate revenues for County programs.

Inclusionary Unit Goals

The draft policy requires that each residential project set aside a percentage of the new units as affordable units, subject to an analysis of feasibility on a case-by-case basis. The draft policy recommends a County goal of either five (5) percent very low income units or ten (10) percent low income units. The County could require a higher or lower percentage of inclusionary units based on the feasibility analysis. In public comments, concerns have been raised that the draft policy reduces the total number of units to which the inclusionary calculation applies, since the current Marina affordable housing policy requires 10 percent low income units, and the draft policy requires only 5 percent very low income units.

The Mello Act does not set forth any percentages, minimum number of units, or other formulas for complying with the inclusionary requirement. The Mello Act provides that: *“New housing developments constructed within the Coastal Zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in section 50093 of the Health and Safety Code.”* Likewise, the Mello Act does not dictate that the required housing be set aside for a particular income category or all income categories included in the definition of “low or moderate income” under the Health and Safety Code (those categories are very low, low, and moderate income).

The draft policy has not eliminated the goal of 10 percent low income units, rather it adds an alternative goal of 5 percent very low income units. The addition of the proposed goal of 5 percent very low income units provides consistency with the State’s current density bonus provisions which require that mandatory development benefits and concessions be provided to any developer who is willing to set aside 5 percent of the project’s units for very low income persons.

In a legal opinion prepared by the State Department of Housing and Community Development (“HCD”) for implementation of the Mello Act, HCD advises that local governments may either conduct a feasibility analysis on a case-by-case basis for individual projects or conduct a comprehensive study to establish set inclusionary housing requirements in advance. Given the small number of residential projects anticipated in the Marina in the near future, and the cost and consumption of time of conducting a full feasibility analysis prior to adoption of the draft policy, the task force is recommending a feasibility analysis for each project, coupled with goals that provide developers with some indication of the County’s objectives. We believe this is legally defensible and consistent with the Mello Act’s provisions regarding feasibility.

In public comments, concerns have been raised that the County's affordable housing policy for the Marina should mirror that of the City of Los Angeles, which requires 10 percent very low income inclusionary units or 20 percent low income inclusionary units. The City of Los Angeles' policy, however, is an interim policy adopted pursuant to a settlement agreement entered into by and between the City and the Housing Advocates. The City has recently completed a comprehensive feasibility analysis for implementation of its permanent coastal affordable housing ordinance. The City's draft ordinance, which covers Pacific Palisades, the Venice-Playa del Rey area, and the San Pedro-Harbor area, is currently available for public review and proposes a set requirement of 10 percent very low income inclusionary units or the payment of in-lieu fees specific to each coastal community. Notably, the City's draft ordinance excludes all rental developments from its inclusionary housing requirement. The City's coastal communities generally consist of lower-density neighborhoods that are inherently different than higher-density Marina del Rey. The City Planning Commission considered the draft ordinance at a public hearing on November 9, 2006, but continued the item to January 11, 2007.

Calculation Method

The County's draft policy requires the percentage of affordable inclusionary units to be calculated based on the *net incremental new units* to be constructed or converted on the project site. The net incremental new units are calculated by subtracting any existing units (prior to demolition or conversion) and then determining the inclusionary obligation based on the remainder. The draft policy separately requires the replacement of existing units occupied by persons or families of low or moderate income that are converted or demolished. In public comments, concerns have been raised that the draft policy is flawed because the calculation of inclusionary units subtracts out the existing units. However, public support has also been received for this calculation method from local developers and Marina lessees who believe the calculation method is fair and will not inhibit the reuse and redevelopment of Marina parcels.

The Mello Act does not set forth any formula for complying with the inclusionary requirement. We believe the draft policy is consistent with the Mello Act, which creates separate obligations for units that are converted or demolished and for units that are new housing. Establishment of a base for calculating the number of inclusionary units is a matter of policy. The County's existing policy requires that 10 percent of all the units constructed /reconstructed on-site be income-restricted, without deduction of replacement units. The City of Los Angeles' interim policy provides that the percentage inclusionary requirements are based on the total number of new-reconstructed units less any required replacement units. We believe that a base that consists of all units constructed, all units less the number of replacement units, or the net incremental new units only, are all legally defensible, so long as inclusionary units are provided where feasible.

Replacement Housing

Consideration of Bedrooms in Determining Replacement Units

In public comments, concerns have been raised that it is improper for the draft policy to provide for the replacement of bedrooms rather than whole units where one occupant is determined to be of low or moderate income.

The Mello Act provides that if “an existing residential dwelling unit is occupied by more than one person or family, the provisions of this subdivision shall apply if at least one such person or family, excluding any dependents thereof, is of low or moderate income.” However, the Mello Act does not establish a formula for calculating how the requirements apply to portions of units. To ensure that replacement obligations for portions of units are met, the draft policy looks at the number of qualifying occupants in relation to the number of bedrooms, to determine whether any person or family in that unit qualifies as a low or moderate income person or family. Thus, if two unrelated persons occupy a two-bedroom unit and one occupant is a person of low or moderate income and the other person is not, the draft policy requires that a one-bedroom unit be replaced rather than a two-bedroom unit. We believe that this is a reasonable interpretation of the Mello Act.

Replacement Units for Sub-tenants, Resident Managers, Students and Vacant Units

In determining an applicant’s replacement unit obligation, the draft policy excludes from consideration those units occupied by sub-tenants not named on the lease, those units occupied by resident managers, units that are vacant at the commencement of term sheet negotiations, and students whose parents claim them as dependents or whose parents guarantee the rent. In public comments, concerns have been raised that these exclusions are improper, but we believe they are legally permissible.

The Mello Act does not address this specific issue and provides no guidance as to how to survey the existing units in a building to determine if they are occupied by persons or families of low or moderate income. The task force concluded that, regarding sub-tenants, for purposes of conducting the survey and as a matter of fairness, it was appropriate to include for consideration only those occupants named on the original lease between the landlord and the original tenant(s), and family members/domestic partners of those original tenants. The landlord has a contractual relationship only with persons named on the lease, and could most efficiently conduct the tenant survey only as to those persons. Moreover, it is entirely possible that the landlord may have no knowledge of sub-tenants living in the unit nor approve of such occupancy, and therefore should not be required to provide an income-restricted unit based on the income level of those sub-tenants.

As for resident managers, they are generally not considered “tenants” in the landlord/tenant context, but instead, they are classified as employees. Hence, the task force concluded that it was appropriate to exclude from consideration the resident manager units because the focus of the Mello Act is replacing units for low or moderate income occupants that are tenants, not employees.

As for units that are vacant at the commencement of term sheet negotiations, the vacant units would not be required to be replaced under the Mello Act as there is no low or moderate income person or family residing in the unit. A safeguard against abuse exists in the Mello Act, which requires an affordable replacement unit for each vacancy resulting from an eviction from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit if the eviction was for the purpose of avoiding the statutory requirements, and creates a presumption in favor of designating such units as replacement units if a significant number of evictions occur in that time period.

As for students whose parents claim them as dependents or whose parents guarantee the rent the task force concluded that it was reasonable not to solely consider the student's income for purposes of determining replacement unit eligibility. Students who are financially dependent on their parents but are seeking higher education are not generally reflective of the low or moderate-income individual that the Mello Act is intended to protect. Many, if not most, of these students will have substantially greater earning capacity when they complete school so the task force found that considering their income alone while in school would not be warranted. Instead, the task force decided that it was appropriate to aggregate the student's income with his/her parents' income to determine replacement unit eligibility.

Replacement Housing for Related Roommates

The task force's goal was to establish clear guidance for conducting the tenant surveys to ensure that they would be conducted efficiently and accurately. While there are a number of interpersonal relationships that might indicate shared financial responsibilities, the task force concluded that, aside from the typical marital relationship, the most easily verifiable relationships are student/parent and domestic partner relationships. The draft policy thus evaluates the verifiable indicia of these relationships to determine whether the aggregation of income is appropriate for replacement housing purposes.

The task force concluded that it was appropriate to aggregate the incomes of unmarried but related roommates because related individuals sharing the same household often share a number of financial obligations including the rent. Moreover, the task force found that if unrelated roommates shared financial assets, such as real property or a bank account, it was appropriate to aggregate their incomes for the same reason, that they often will share financial responsibilities such as the rent.

Like-for-Like Replacement

In public comments, concerns have been raised that the draft policy would allow low income units to be replaced with moderate income units. It is contended that the Mello Act requires that replacement units must be like-for-like.

The Mello Act states that units occupied by low or moderate income persons or families may not be converted or demolished “unless provision has been made for the replacement of those dwelling units with units for persons or families of low or moderate income.” The Mello Act does not expressly require that provision must be made for the replacement of those dwelling units with units for persons and families *of the same income level as the units being converted or demolished*.

The replacement unit requirement of the Mello Act is not intended to provide replacement housing for the existing occupants upon whom the determination is based, but rather, to preserve the existing affordable housing stock. Also, by basing the replacement requirement on income levels of the occupants rather than the rent level charged, the replacement requirement of the Mello Act has the potential to create income-restricted units out of market rate units that happen to be occupied by persons of low or moderate income.

Taking these factors into consideration, the draft policy provides that replacement units be set aside as very low, low, or moderate income rental units based upon comparison of the monthly rent at the commencement of term sheet negotiations for the project to the affordable housing rental rates published annually by the Community Development Commission (“CDC”). Thus, market rate units that require replacement because they are occupied by persons or families of low or moderate income would be designated for replacement as moderate income rental units, and units where the rent matched the moderate, low, or very low income rental housing rates of the CDC, would be designated as moderate, low, or very low income rental units, respectively. We believe this is a reasonable interpretation of the Mello Act, as it fulfills the requirement that units occupied by persons or families of low or moderate income be replaced with income-restricted units.

Location of Units

General Off-Site Provision

In public comments, concerns have been raised over the draft policy’s provisions regarding the location of the income-restricted replacement units off-site, as on-site is identified as preferable. It is contended that providing such units off-site violates the Mello Act unless it is infeasible to provide the units on-site.

The Mello Act provides that replacement units may be provided on-site or within the Coastal Zone if feasible, and if not feasible, then within the extended Coastal Zone. Accordingly, the Mello Act permits off-site replacement within the Coastal Zone as an option without the need for first determining that on-site replacement is not feasible. The County could only require that all replacement units be provided on-site after making a determination that such placement is feasible in all cases before adoption of the new policy. Given the small number of projects anticipated in the near future, and the limited opportunities for placement of off-site replacement units within the Coastal Zone outside of Marina del Rey, the task force does not believe that conducting a Marina-wide feasibility analysis to impose such a condition is worthwhile.

The draft policy is consistent with the Mello Act regarding providing units on-site versus off-site. Under the draft policy, on-site units will be required, provided it is feasible. If providing on-site units is not feasible, the developer will be required to provide the units off-site. This bifurcated approach derives directly from the Mello Act.

Off-Site Joint Development

In public comments, it was proposed that the County could assist in identifying a site or sites within the Marina to serve as the location for an affordable housing project that would be built using contributions from Marina lessees. It was indicated that the County could require 10 percent low income units elsewhere within the Marina without significantly reducing lease revenues, even assuming similar land costs and high quality design. This is because off-site units can leverage Low Income Housing Tax Credits and other financing alternatives that may not be available to projects with a large percentage of market rate units.

Public comments were also received objecting to the concept of designating one or more sites in the Marina as locations for all affordable units that are required pursuant to the Mello Act. The basis for the objection is the belief that such a proposal would violate the Mello Act and also raises fair housing concerns, as the proposal would ghettoize and stigmatize the affordable units. We would respond by pointing out that affordable housing developments are not, by definition, low-quality housing. Off-site projects that are 100 percent or substantially affordable can be beautifully designed and can feature amenities tailored to meet resident's needs that may not otherwise be included in a luxury project geared towards affluent professionals or retirees.

The County, as the Marina landowner, is in control of a key aspect of land development cost and has the ability, through rent concessions, to contribute to the feasibility of affordable housing production at a site or sites within the Marina. The statute does not specify the level to which off-site development is assisted or made more feasible by actions taken by the local jurisdiction, so the County has the discretion to specify local provisions. The County may even consider setting a goal or a "premium" for off-site inclusionary units that is different and greater than if the units were feasible to provide on-site, although it is not clear how this may affect the feasibility of off-site development.

Rehabilitation

In public comments, concerns have been raised regarding the draft policy allowing off-site units to be either new construction or rehabilitation or existing units. The basis of the objection is the belief that the Mello Act does not allow for rehabilitation of existing units because rehabilitation does not create net new units, and therefore the County may not allow for rehabilitation of units in its policy. It is also indicated that rehabilitation is “cheaper” than new construction, thereby providing developers with an incentive to build off-site. Information in the County’s Housing Element was provided indicating that new construction may cost up to as much as eight times more than rehabilitation. The main goal of the Mello Act is to preserve, increase, and/or improve the affordable housing stock in the coastal zone. Allowing the rehabilitation of an existing unit, and then income-restricting that unit, furthers that goal. Even if the target unit was previously occupied by a low- or moderate-income person, by rehabilitating and income restricting the unit, the unit not only improves in quality, it is guaranteed to be income-restricted for no less than 30 years. The task force concluded that these improved attributes for the affordable housing unit stock in the Marina are consistent with and further the goals of the Mello Act.

Duration of Affordability

In public comments, concerns have been raised regarding the 30-year covenant in the draft policy which guarantees that the income-restricted units should remain restricted for a longer period, perhaps in perpetuity. We believe the 30-year restriction in the draft policy is reasonable.

The Mello Act does not require affordability covenants and does not require affordability to be maintained for any set period of time. Nonetheless, the draft policy requires applicants to record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary unit will be observed for at least 30 years. A 30-year term is commonly applied in the affordable housing context and is consistent with conventional financing practices. Moreover, a 30-year term is what government agencies and organizations commonly use for determining long-term affordability. Finally, the density bonus law also requires income-restricted units to be restricted for 30 years (or longer depending on the requirements of the financing program) for purposes of obtaining a density bonus.

Housing Tenure

Allowing Rental Units in For-Sale Projects

In public comments, concerns have been raised regarding the provision in the draft policy that allows an applicant to set aside inclusionary rental units for the low-income component of the project when some or all of the market rate units in the project are being offered for sale. We believe the provision in the draft policy is legally permissible.

The Mello Act is silent as to the type of unit (for-rent or for-sale) that must be provided under the statute. Marina del Rey is almost exclusively a rental market. As the County is the landowner in Marina del Rey, there are no fee title transfers of residential units. Currently, only one development in Marina del Rey is structured with a pre-paid long-term condominium sublease regime which permits residents to "purchase" the sublease for their unit. This development also includes rental units. Since a condominium sublease type of leasing structure is possible in the Marina, the draft policy addresses "ownership" units. The draft policy provides flexibility by allowing developments with condominium subleases to provide the affordable housing component as rental units, as an option. The draft policy does not prohibit a developer from offering condominium subleases as affordable units. Moreover, for a particular project, the County may make findings to support allowing affordable for-rent units in a for-sale market rate project. For example, the County may determine that very low income households may have difficulty qualifying for mortgage financing and that preserving rental opportunities for these individuals is preferable. For this reason we believe the provision in the draft policy on this issue is reasonable.

In-Lieu Fees

In public comments, the Housing Advocates support the provision in the draft policy that does not allow an in-lieu fee option as an alternative to providing the required affordable units either on-site or off-site pursuant to the Mello Act. The County's current policy provides for the payment of specified in-lieu fees as an option to providing affordable units either on-site or off-site. Public comments have also been received by representatives of local developers and the Marina Lessees Association who have requested that the task force reconsider establishing in-lieu fees as an option that would allow the County to collect funds for the construction of affordable housing from Marina developments where on-site and off-site affordable units are infeasible.

The Mello Act does not require local jurisdictions to grant in-lieu fees for the provision of replacement housing units or inclusionary housing units. The Mello Act sets parameters for allowing in-lieu fees for replacement housing units, which exempts applicants from the requirements to provide on-site or off-site units, but only when it is infeasible to do so. The Mello Act is silent on in-lieu fees for inclusionary housing units, which suggests that the in-lieu fees would only apply when the provision of inclusionary housing units is infeasible. Although the in-lieu fee traditionally functions as an *alternative* to providing affordable units, in the context of the Mello Act, the parameters set forth suggest that in-lieu fees, if a local jurisdiction chooses to grant them, can only be applied when it is infeasible to provide on-site or off-site affordable units.

The Mello Act provides authority for local governments to set in-lieu fees based upon the results of a technical study. Implementing an in-lieu fee program, however, places the responsibility for ultimately constructing affordable housing on the County. The decision to not allow an in-lieu fee option in the draft policy is intended to provide a clear requirement that the developer/lessee is responsible for providing the required amounts of affordable housing, encourages the placement of affordable housing on-site, in Marina del Rey, and ensures that the affordable housing is provided within a reasonable time.

Financial Impacts of Various Options

A financial analysis has been prepared to determine the impact of various housing policy scenarios on the potential loss in rent to the County, and potential rent credit to the lessee due to the loss in value from the inclusion of affordable housing on site. The chart below provides a summary of the financial impact to the County based on the various scenarios identified below and applied to the development projects presently being negotiated with the Department of Beaches and Harbors including Neptune Marina, Villa Venetia, Del Rey Shores and EMC Development:

Scenario	Description	Total Revenue Loss	Total Rent Credit
Draft Policy	<ul style="list-style-type: none"> 72 replacement units at moderate income. 65 inclusionary units at very low income calculated on 5 percent of the Net New Units built (i.e. total units less existing units to be demolished = net new units). 	\$7.3 million	\$32.1 million
A	<ul style="list-style-type: none"> 72 replacement units at moderate income. 128 inclusionary units at very low income calculated on 10 percent of the Net New Units built (i.e. total units less existing units to be demolished = net new units). 	\$10.7 million	\$53.7 million
B	<ul style="list-style-type: none"> 72 replacement units "like for like" based on existing unit mix. 89 inclusionary units at very low income calculated on 5 percent of the Adjusted Total Units built (i.e. total units less replacement units = adjusted total units). 	\$9.3 million	\$44.4 million
C	<ul style="list-style-type: none"> 72 replacement units "like for like" based on existing unit mix. 177 inclusionary units at very low income calculated on 10 percent of the Adjusted Total Units (total units less replacement units = adjusted total new units). 	\$15.2 million	\$74.7 million
D	<ul style="list-style-type: none"> 72 replacement units "like for like" based on existing unit mix. 112 inclusionary units at very low income calculated on 10 percent of the Total Units. 	\$11.1 million	\$53.3 million

The estimated revenue loss reflects a reduction in County rents as compared to an all market rate transaction with no affordable housing units. The total rent credit quantifies the reduction in land value to the developer, as a result of providing affordable housing on site. The replacement housing obligation for each scenario is assumed to be 72 units as moderate, low or very low income units depending on the scenario selected, while the inclusionary housing obligation is based on the percentage calculations identified in the chart. It is important to note that these numbers are estimates and may fluctuate depending on the results of the income surveys required to determine the replacement housing obligation, and County rent concessions ultimately negotiated with the developers' on a case by case basis.

Community Outreach/Stakeholder Input

The task force was strongly urged by both opponents and supporters of the draft policy to complete further outreach efforts to obtain stakeholder input. This includes additional outreach to Marina tenants through workshops. A request was made to add a community resident to the task force since the composition of the task force does not include a resident from the community. The concern by opponents of the draft policy is that resident's views on matters of future growth and affordable housing are not being represented in the drafting of the policy. The task force was established by a Board motion, therefore changes to its composition are within the discretion of the Board. Given the timeframe that the Board has given to the task force to complete its work, it is not possible to make changes to the task force and conduct additional outreach efforts and still meet our current deadline.

Based on the attendance at the September 2006 community forum, and the amount and diversity of comments received, we believe that the comments received to date provide a good representation of the range of views among the community and stakeholder groups. Additional opportunities for public comments will be available during the environmental review period and when your Board considers the environmental document and revised draft policy.

CONCLUSION AND RECOMMENDATION

As housing developments are proposed on different sites within Marina del Rey, they will have different capacities to provide affordable housing units or to utilize public subsidies or incentives, including density bonuses. Therefore, the task force recognizes that providing developers with flexibility in complying with the Mello Act provisions through the County's policy will result, in the long term, in more affordable housing being built than if overly restrictive requirements are imposed.

The Mello Act contains the flexibility to work within reasonable and responsible parameters where there are benefits to both the Marina and the County as a whole. However, this also poses a unique challenge to reconcile the requirements under the Mello Act with other State-mandated programs that are implemented within the

unincorporated area and balance economic, environmental, and social objectives. Although we believe that the task force has provided your Board with a draft policy that is balanced and in compliance with Mello Act requirements, we also have provided you with a range of options that you can consider to fine tune the policy, as you deem appropriate.

The task force recommends that the Board consider the policy options identified in **ATTACHMENT 4**. In order to define the policy as a “project” for the purposes of completing the CEQA review, we would need to incorporate any decisions that you wish to make to fine tune the draft policy through the selection of other options.

DEJ:JSE:SHK:jtm

Attachments:

- Attachment 1: Transcript of Testimony at 9/7/06 Community Meeting
- Attachment 2: Additional Public Comments – Written Correspondence
- Attachment 3: Task Force Response to Comments
- Attachment 4: Mello Act Policy Options Comparison Table

ATTACHMENT 1

Transcript of Testimony
at the September 7, 2006
Community Forum in Marina del Rey

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TAPED TRANSCRIPTION OF

8

AFFORDABLE HOUSING TASK FORCE COMMUNITY MEETING

9

SEPTEMBER 7, 2006

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23 Transcribed by: Vilia Roubinek, Transcriptionist

24 FILE NO: A008033

25

1 MR. SANTOS KREIMANN: I guess maybe we should
2 talk about cell phones first, right? If you -- I'd
3 appreciate it, really, if you all would turn your cell
4 phones off and if you absolutely need to answer it, if
5 you could just take it outside, that would be -- that
6 would be great.

7 Another housekeeping issue is that if anyone
8 needs to use the restrooms, the restrooms are right
9 through these doors to the left. They're straight
10 through -- straight through to the right.

11 My name is Santos Kreimann and I work for the
12 Chief Administrative Office of the County of Los Angeles
13 and today we're here to discuss the affordable housing
14 policy, the draft Affordable Housing Policy that the
15 Board of Supervisors considered, I believe it was in --
16 sometime in August, I believe. So we're gonna go ahead
17 and get started.

18 Another item is we would like to make sure that
19 every single one of you has an opportunity to speak
20 tonight. We have some speaker cards over here that we
21 would like for you to fill out so that we can keep track
22 of everyone and when the comments -- for the comments.
23 So those are little housekeeping items and we're planning
24 on going from, I believe, this committee forum is
25 scheduled from five o'clock to eight o'clock.

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1 that first time around, so we get another crack at it.

2 The members of the task force are each one of
3 the Department heads that are listed here:

4 The Chief Administrative Office is represented
5 by Mr. Janson, [phonetic] my boss and myself. I'm the
6 staff person on the task force.

7 Department of Beaches and Harbors is
8 represented by Mr. Woznezki [phonetic] and Charlotte
9 Miyamoto [phonetic].

10 The Community Development Commission is
11 represented by Mr. Jackson, the Executive Director of the
12 Community Development Commission and Mr. Blair Babcock.

13 Office of County Counsel is represented by two
14 attorneys, Tom Farnen and Larry Heifetz.

15 And the Department of Regional Planning, and of
16 course, their boss, Mr. Fortner, is a member of the task
17 force as well. The Department of Regional Planning is
18 represented by the interim director, Mr. Hartell, by Russ
19 Frencano who is the planner in charge of the Marina. I
20 believe that's correct.

21 MALE VOICE FROM STAGE: Marina cases, Marina
22 cases --

23 MR. KREIMANN: Marina cases, yes.

24 SAME MALE VOICE: Marina liaison.

25 MR. KREIMANN: And Julie Moore. So let's get

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1 This is sort of the agenda that we thought we
2 would following: the first thing that we're going to do
3 is my welcome to you all and I appreciate you all being
4 here. That's a very important issue for the County and
5 for the community at large. We know that there are
6 differing views on both sides of the aisle and we want to
7 make sure that we hear everything that you need or
8 everything that you feel is important to include it in
9 the policy, the revised policy. We'll do our best to
10 take your input and incorporate that in our next Board
11 letter, or I'm sorry, Board Memo, to the Board of
12 Supervisors. But we'd like to try to do is put together
13 some options for the Board to consider based on the
14 public testimony that we're taking here today.

15 We're going to go ahead and review the draft
16 policy that has been developed and then we're going to
17 right into the public input session. And then, of
18 course, we'll conclude the forum right after that.

19 So let me introduce to you the charge by the
20 Board of Supervisors to go back and review the existing
21 policy that was here, that was done in April of 2002, I
22 believe. And they charged us with reviewing it and
23 making recommendations to it that would make -- ensure
24 that we comply with the Mello [phonetic] Act
25 requirements. There was some concern that we didn't do

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1 right to the presentation. We're going to go ahead and
2 review the policy that was developed as part of the task
3 force. There's a few basic requirements that we looked
4 at when we were developing the draft policy. The basic
5 requirements for the Mello [phonetic] Act are first, that
6 converted or demolished residential units that are
7 occupied by very low- or moderate-income persons or
8 families must be replaced.

9 The second item is that all new residential
10 projects must provide inclusionary housing units
11 affordable to low- or moderate-income persons or families
12 where feasible.

13 The last item on the chart here is that local
14 governments can only approve demolition or conversion of
15 residential structures to commercial uses that are not
16 coast-dependent if they first find that a residential use
17 is no longer feasible at that location.

18 So those were the items that the task force was
19 charged to look at review and developing a revised policy
20 for the Board's consideration.

21 Now, as we look forward, there was a tremendous
22 amount of discussion about what our goals were in the
23 development of the policy. So we came up with four goals
24 and they're listed here on the board.

25 The first and foremost Board directive was for

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1 whatever policy we developed, we had to comply with the
2 Mello [phonetic] Act requirements. That was the first
3 directive that we got from the Board. The other was to
4 preserve existing affordable housing supplies which we
5 call "replacement units" and support the creation of new
6 affordable housing units which is termed the
7 "inclusionary units" and with all that being said, the
8 biggest issue that we had a lot of discussion about is
9 how was the County going to balance the Mello [phonetic]
10 Act requirement with the County's ability to continue to
11 generate revenues that are [inaudible word] benefit
12 programs. So that was a major issue that we had a lot of
13 discussion on, as well as the other issues, as well.

14 [Inaudible audience question]

15 Okay, the draft policy -- just in a nutshell --
16 we looked at the replacement housing units. We believe
17 that, according to the Mellow [phonetic] Act, we needed
18 to set aside replacement housing units for low- or
19 moderate-income families based on the results of an
20 income survey that's administered by the Community
21 Development Commission. Inclusionary housing units -- we
22 developed a formula that would calculate the affordable
23 housing units based on the net new incremental units to
24 be constructed with the County goal of five percent very
25 low- or ten percent low-income units set aside as

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1 draft policy as it's been proposed for the Board of
2 Supervisors. Okay? The other --
3 MEMBER OF AUDIENCE: Excuse me --
4 MR. KREIMANN: Yes.
5 MEMBER OF AUDIENCE: And why does it -- you're
6 going to assess the draft policy and all we're going to
7 do is talk it out -- your policy and the staff -- and
8 we're not going to be able to have input into what
9 [inaudible words].

10 MR. KREIMANN: No. That's not what I said.
11 What I said is the exact opposite, which is I'd like to
12 go through the policy, use that as the starting off
13 point, the draft policy, and then we'd like to see,
14 receive your input on what you all believe needs to be
15 included in the new revised policy. So what we're
16 looking to do is to develop options for the Board of
17 Supervisors to consider as opposed to just seeing one
18 policy and saying, voting up or down on that.

19 The affordable housing, we believe, a thirty-
20 year covenant is appropriate and the one big difference
21 between this draft policy and the original draft,
22 original policy is that there is no end off fee program
23 attached to this one.

24 So let's go on to the next slide. We'll talk
25 about the income survey.

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1 affordable housing.
2 MEMBER OF AUDIENCE: Is that in addition to the
3 replacement housing units? Or not?

4 MR. KREIMANN: It's -- the inclusionary is an
5 addition.

6 MEMBER OF AUDIENCE: In addition to --
7 MR. KREIMANN: That's correct. And, of course,
8 that's all based on a feasibility analysis and we believe
9 that a case-by-case basis is the way for -- is the most
10 feasible way, or streamlined way to go.

11 MEMBER OF AUDIENCE: [Inaudible question]

12 MR. KREIMANN: Sure, I'll go through the -- how
13 about if I go through the presentation and then I'll go
14 back, you know, then I'll ask some questions. I'm not
15 the only one that's going to be asking -- answering any
16 questions. Any questions that you may have -- we'll be
17 more than happy to clarify anything with respect to the
18 affordable housing policy that's been developed, the
19 draft policy. But I don't want to do, though, is, I
20 don't want to engage in one-on-one discussions about the
21 merits of any proposals that you all have and the merits
22 of the proposals that we have. We're interested in
23 receiving your input and discussing what it is that you
24 all believe needs to be included in this policy.

25 Okay, so we're here to clarify the policy, the

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1 [Inaudible sentence by male voice]

2 MR. KREIMANN: It's all right. Just for those
3 of you that have walked in, we have some speaker cards
4 over here. If you just fill them out and then we'll come
5 around the room and pick them up for you all, from you
6 all.

7 Let's talk about the income survey. The income
8 survey is what is used as the tool that's used to
9 determine the number of replacement housing units that
10 each project is required to construct as part of the
11 Mello [phonetic] Act. The income survey is to be
12 completed by each family and individual occupant of an
13 existing complex. The income information from individual
14 occupants named on the lease and their family members or
15 domestic partners will be used exclusively to determine
16 replacement housing eligibility.

17 The Community Development Commission is charged
18 with confirming the household income levels and to
19 identify the number of [inaudible:... -ments] eligible
20 for replacement. The next --

21 MEMBER OF AUDIENCE: [Inaudible]

22 MR. KREIMANN: It's unaffordable housing, yes,
23 you can -- affordable housing, yes. We're not going to
24 limit it to seniors, though.

25 MEMBER OF AUDIENCE: [Inaudible]

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1 MR. KREIMANN: We won't limit it to seniors.
 2 It's just affordable housing. Come on in. Welcome.
 3 Okay. Now the income survey has the number of
 4 components that needed to be evaluated. As the task
 5 force got together and started discussing these items, we
 6 needed to figure out how to handle certain individuals
 7 that are housed in the complexes. So we did our best and
 8 we've identified certain categories or individuals and
 9 applied that needed to be applied [inaudible word], the
 10 number of replacement housing units required.

11 So the first item was how do we treat
 12 management employees and it was our thought that
 13 management employees are ineligible for replacement
 14 housing. Students claimed on parents' income taxes, the
 15 student is another population that we needed to pay
 16 special attention to and we decided that students claimed
 17 on parents' income taxes or whose parents are guarantors
 18 on the rental lease agreement must include the parental
 19 household income as part of the survey. Any vacant unit
 20 at the time of term sheet [?] negotiations is deemed to
 21 be a market rate unit.

22 The next slide is a continuation of that, of
 23 the special groups. The developer must demonstrate that
 24 any tenant eviction one year prior to commencement of
 25 term sheet negotiation was for cause. As opposed trying

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1 Inclusionary housing -- this -- to get back to
 2 your question, the inclusionary housing [inaudible word]
 3 that posts separately from a [inaudible word] place that
 4 housing obligation. So there are two separate
 5 obligations. Inclusionary housing needs to be dispersed
 6 throughout the rental unit component of the project. It
 7 needs to be sized and designed to be comparable to market
 8 rate units and it's based on the net new incremental
 9 units to be constructed. And what means is that you have
 10 a developer who submits an application to build a five-
 11 hundred unit complex and there is two hundred existing
 12 unit complexes, or two hundred units already existing and
 13 he demolishes the two hundred.

14 The inclusionary housing would be calculated
 15 based off of the three hundred net new incremental units
 16 and the two hundred would be taken care of in terms of
 17 affordable housing based on the income surveys and the
 18 replacement housing obligation.

19 MEMBER OF AUDIENCE: [Inaudible question]

20 MR. KREIMANN: Sure. The inclusionary housing
 21 calculation is based on what we term the "net new
 22 incremental units" and what the net new incremental units
 23 is, is if an application submits an application -- if a
 24 developer submits an application to build a five-hundred
 25 unit complex, and there's two hundred existing units that

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1 to circumvent the Mellon [phonetic] Act requirements.

2 The next is the replacement eligibility for
 3 tenants returning incomplete income surveys. So we
 4 needed a way to evaluate an individual that is occupying
 5 a unit but fails to provide the income information in the
 6 income surveys or just fails to submit an income survey
 7 altogether. And what we've decided is sort of a two-fold
 8 approach. We believe that the best way, best approach
 9 was to look at the information contained in the lessor's
 10 financial records. If the information was two years or
 11 was within two years of the application, we would use
 12 that information as the financial information for that
 13 individual or there would be a test based on the monthly
 14 rental rates, the average monthly rental rates.

15 The next key category was how do we treat
 16 unmarried or unrelated tenants wishing to be treated as
 17 separate individuals. We decided that they must declare
 18 under penalty of perjury that they are number one: they
 19 are not registered domestic partners, neither party
 20 receives employment benefits from the other, they do not
 21 share a bank account and they do not own real property
 22 together. So if one household has two individuals and
 23 they want to be treated separately, they could certainly
 24 submit separate income surveys for each one, but they had
 25 to meet this particular test.

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1 are going to be demolished as part of the development,
 2 then the inclusionary housing is based off, calculated
 3 off the three hundred units, as opposed to the five
 4 hundred units because the two hundred units is being
 5 taken care of in terms of how the replacement housing is
 6 calculated.

7 MEMBER OF AUDIENCE: [Inaudible question]

8 MR. KREIMANN: It's being calculated based off
 9 -- the replacement housing is based off the income
 10 survey. So that --

11 MEMBERS OF AUDIENCE: [Inaudible question]

12 MR. KREIMANN: Well, why don't -- I'll clarify
 13 it for you, but let me just answer your question. Then I
 14 won't from there take any more question.

15 The net new incremental unit is based off the -
 16 - if the developer has five hundred units that he wants
 17 to develop, and there are two hundred units that are
 18 already on the site and are going to be demolished, the
 19 net new incremental is based off the three hundred new
 20 units that are being constructed. Okay, no more
 21 questions. Let me get through --

22 MEMBER OF AUDIENCE: I just have a comment. It
 23 seems to me if you do [inaudible word] on that property
 24 [inaudible word], you'll discover that residential was
 25 not the priority for that property. [Inaudible words]

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1 MR. KREIMANN: Well, I'm not taking any more
2 questions. So let me just get through the -- let me get
3 through the presentation and then when you have the
4 opportunity to come up to the stage, you can ask that
5 question or you can make a comment on that. So that's
6 the way we'd like to treat that. Okay?

7 And, of course, I already spoke to the
8 inclusionary housing that the County goal is to set aside
9 five percent of the new units for very low-income
10 households or ten percent for low-income households,
11 subject to a feasibility analysis.

12 Feasibility analysis: there's a few tests that
13 we believe needs to be addressed. First question that
14 needs to be answered is: can a project be successfully
15 completed within a reasonable period of time, taking into
16 account economic, environmental, social and technical
17 factors. That is specific language that is contained in
18 the Mello [phonetic] Act. The other issue that needs to
19 be addressed is what impact will density bonuses or other
20 incentives and potential economic aids such as tax
21 credits, ARM financing, grants and rents concessions have
22 on making on-site housing feasible.

23 The final item is what is the return to the
24 developer. The County is very interested in that and has
25 an index that is applied to determine whether or not

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1 with priority given to the unincorporated areas of Los
2 Angeles County. So this has to do with the replacement
3 housing obligation.

4 Off-site construction of inclusionary housing
5 is slightly different. The priority order is that it, in
6 the coastal zone within the unincorporated territory of
7 Los Angeles, the inclusionary housing -- this is if the
8 project is deemed infeasible, then the inclusionary
9 housing must be constructed first: in the coastal zone
10 within the unincorporated territory of LA County; second:
11 within the three miles of the coastal zone in the
12 unincorporated territory of LA County; third: in the
13 coastal zone within in the incorporated territory of LA
14 County; and finally, within three miles of the coastal
15 zone in the incorporated territory of LA County.

16 And so what we wanted to do was make sure that
17 the County's unincorporated areas were given priority in
18 terms of construction of the inclusionary housing units.
19 We believe that that was important because of the State's
20 insistence now on making sure that we county every,
21 single affordable housing unit that's constructed in the
22 unincorporated areas.

23 Nonresidential conversions: proposals to
24 demolish or convert residential structures for commercial
25 uses that are not coast-dependent will be evaluated. No

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1 something is feasible in terms of the return to the
2 developer. So --

3 MEMBER OF AUDIENCE: [Inaudible]

4 MR. KREIMANN: Sure. I believe the second one
5 also is there and the return of the developer is not
6 there specifically in terms -- it's an economic factor,
7 so yes, it is included. The task of the task force was
8 to develop some way of measuring that and -- in order to
9 determine whether or not the project is feasible or
10 infeasible from an economic perspective.

11 So, project infeasibility: the developer has
12 the burden of proof with respect to project and
13 feasibility. The Directors of Regional Planning, Beaches
14 and Harbors, and the Community Development Commission
15 must jointly concur with the developer's findings of
16 project infeasibility. If on-site affordable housing is
17 deemed infeasible, the Mello [phonetic] Act requirements
18 must be met off-site.

19 So, let's talk a little bit about if the
20 project is deemed infeasible, where would the off-site
21 replacement housing be required to be constructed. The
22 County came up with that replacement housing can be
23 provided on-site or within the coastal zone if feasible.
24 If not feasible on-site or within the coastal zone, then
25 it can be provided within three miles of the coastal zone

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1 project will be approved unless the County determines
2 that a residential use is no longer feasible at the
3 proposed location. So, we have to make certain findings
4 before we can convert from a residential use to a
5 commercial use.

6 So additional provisions that were included in
7 the draft policy include that the applicant must submit
8 an affordable housing plan to the County prior to
9 issuance of building permits. The applicant shall report
10 a thirty-year covenant guaranteeing affordable income and
11 rent requirements. The certificate of occupancy for new
12 market rate units will be withheld until off-site
13 affordable housing units are completed and available for
14 occupancy. Off-site affordable housing units must be
15 comp --

16 MEMBER OF AUDIENCE: [Inaudible]

17 MR. KREIMANN: Okay. The certificate of
18 occupancy for new market rate units will be withheld
19 until off-site affordable housing units are completed and
20 available for occupancy. So we included that in there so
21 that we made sure the developer was responsible for
22 making sure that the affordable housing that's
23 constructed off-site is completed, is constructed and
24 completed prior to them receiving their certificate of
25 occupancy for their new development.

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1 And lastly, the off-site affordable housing
2 units must be completed no later than three years from
3 issuance of a building permit for the new development.
4 Some additional provisions of the policy: the
5 applicant proposing to develop a project with rental and
6 ownership units may provide all replacement inclusionary
7 housing in the rental component of this project. An
8 applicant proposing to develop a hundred percent
9 ownership project may provide rental units on-site to
10 fulfill the replacement inclusionary obligation. The
11 Community Development Commission will charge an annual
12 fee per affordable housing unit for monitoring the
13 affordable housing covenant.
14 So let's talk a little about how the rest of
15 the meeting is going to shake out, or at least the one we
16 have envisioned. We'd like for anyone that would like to
17 speak to fill out the public speaker card and they'll be
18 on the table over here. And if you can be kind enough to
19 just hold them with you and I or someone here will walk
20 around and pick up the cards from you all.
21 MEMBER OF AUDIENCE: We already have some.
22 MR. KREIMANN: We have some, but if you have
23 not filled one out, go ahead and fill it out, hold it,
24 and we'll be walking around the room and we'll take them
25 as they come in. We've allocated three minutes for each

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1 MEMBER OF AUDIENCE: [Inaudible]
2 MR. KREIMANN: No, no, no. What I said was
3 that we're going to receive your comments, then the task
4 force is going to go through your comments. We're going
5 to develop different options based on your input and then
6 we'll present a report to the Board of Supervisors with
7 several options.
8 MEMBER OF AUDIENCE: [Inaudible]
9 MR. KREIMANN: The Board will decide on what
10 needs to be done. Generally, what's going to happen is
11 once the Board says this is the policy that we like,
12 these are the components, we would be charged -- my
13 office, actually, would be charged with developing an
14 environmental document.
15 MEMBER OF AUDIENCE: [Inaudible]
16 MR. KREIMANN: Correct?
17 MALE VOICE FROM STAGE: I just want to make one
18 point about the comments. The task force will also be,
19 of course, accepting any written comments that are the
20 same as tonight, or different, or whatever. And we'll --
21 that will be part of the package, too, that we will be
22 collating and looking through for purposes of reporting
23 to the Board. So written comments can be received as
24 well.
25 MEMBER OF AUDIENCE: [Inaudible]

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1 one of you all to speak tonight on the draft policy and
2 to give us your views on what you believe needs to be
3 included. Any comments or input is greatly appreciated.
4 Like I said before, the members of the task force are
5 here to clarify any provisions of the draft policy. The
6 community forum is going to be audiotaped, so I would
7 appreciate it if you all spoke clearly into the
8 microphone, say your name, tell me where you live, or say
9 or name, spell your last name, which would be helpful,
10 and give us your -- what company you're representing or
11 if you're representing yourself. And then you can begin
12 speaking.
13 Once we receive your input, the plan is to
14 gather all the comments, collate them, and make a
15 presentation to the Board of Supervisors to consider
16 different options that will come out of this particular
17 forum. Now, the one thing that I would really like to
18 stress is that I know that there are differing views
19 about this particular policy, but I would -- I would
20 really appreciate it if everyone gives the individual
21 speaking the courtesy of listening, no remarks until
22 they're finished and then you will have an opportunity to
23 speak on this particular policy. So if you can just
24 maintain some decorum, I would greatly appreciate it.
25 Yes?

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1 MALE VOICE FROM STAGE: I have --
2 MR. KREIMANN: You're going to have an
3 opportunity to talk about -- this is your opportunity to
4 provide the input for the preparation of the Board
5 reports.
6 MEMBER OF AUDIENCE: [Inaudible]
7 MR. KREIMANN: Hold on, let me finish, and then
8 I'll get to you. So, we're going to get, receive your
9 comments which we as staff are going to prepare a Board
10 report based on your input and present it to the Board.
11 The Board -- you always have the opportunity to go before
12 the Board of Supervisors at that point in time and talk
13 about the revised, revised draft policy.
14 FEMALE MEMBER OF AUDIENCE: [Inaudible at
15 first, then became louder:] ...two weeks -- so many...
16 and there's so many people in this community... and they
17 haven't got the option... to help people understand
18 basically the layout of your policy... and clarified the
19 difference in your policies... explain it out in simple
20 terms and... fine with it. We're not in a big rush.
21 MR. KREIMANN: Understood. We're going to have
22 speaker time.
23 DIFFERENT FEMALE MEMBER OF AUDIENCE: Listen...
24 MR. KREIMANN: We're going to have speaker
25 time.

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1 SAME FEMALE MEMBER OF AUDIENCE: Listen, but
 2 you have to hear this now. [Inaudible] ... as much as I
 3 can. But we didn't have any time to do this, to give
 4 input. We had very little time to do this. Second of
 5 all, nobody I spoke to knew there was such a task force.
 6 Any of you guys here... [inaudible and other voices].
 7 MR. KREIMANN: Excuse me.
 8 SAME FEMALE MEMBER OF AUDIENCE: And the third
 9 thing, excuse me, you can't stop me now. The third thing
 10 that [inaudible] here, is that there are vast numbers of
 11 people who are going to lose their apartment and nobody
 12 knows there's such a task force and [inaudible]. You
 13 need to give the community the time to notice. You need
 14 to give the community the kind of understanding that they
 15 can understand. Not lawyer flim-flam. You need to come
 16 into the community and you need to pass [inaudible].
 17 MALE VOICE OF AUDIENCE: Hear, hear.
 18 [Applause]
 19 MR. KREIMANN: Can I -- let me just answer.
 20 FEMALE MEMBER OF AUDIENCE: [Inaudible]
 21 MR. KREIMANN: I'll get to you -- what I would
 22 really like to do is get into the public input section.
 23 I think that's very important. What we're here to do is
 24 to collect as much information as we possibly can from
 25 the individuals that are interested. Now, we have, I

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1 FEMALE MEMBER OF AUDIENCE: There is no time
 2 for it.
 3 ANOTHER FEMALE MEMBER OF AUDIENCE: [Inaudible]
 4 ...yesterday.
 5 MORE FEMALE VOICES: [Talking over each other.]
 6 ...we want to hear from the supervisors... you to tell
 7 us... we want you to go into the community and tell them
 8 what your f** plan is.
 9 MR. KREIMANN: Okay, let's -- thank you for
 10 your comment and I think what we'd like to do, what we'd
 11 like to do is we'd like to move on, get the input from
 12 the various stakeholders, the community, and I believe
 13 that would be the best use of our time at this particular
 14 point in time. Now, as a task force, what I can commit
 15 to you is that we will thoughtfully take into
 16 consideration everything that's being said today. It
 17 will be reflected to a large extent in the report that's
 18 going to the Board of Supervisors. Now we're charged --
 19 you need to appreciate our side. You know, we're the
 20 staff people to the Board of Supervisors and we're trying
 21 to develop a policy that not everyone is going to like,
 22 okay. Because there's competing interests in this
 23 particular room and so --
 24 FEMALE MEMBER OF AUDIENCE: [Inaudible]
 25 MR. KREIMANN: One moment. There's competing

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1 believe, provided notice to the community and this is
 2 reflective of the amount of individuals that are in this
 3 room. Now --
 4 FEMALE MEMBER OF AUDIENCE: No, it's not.
 5 MR. KREIMANN: Hold on, hold on.
 6 FEMALE MEMBER OF AUDIENCE: No, it's not.
 7 MR. KREIMANN: Okay, well, we have a lot of
 8 people in the room that have a lot of ideas and that -- I.
 9 -- we would like to hear them as the task force. We're
 10 charged with preparing a report for the Board of
 11 Supervisors. We appreciate the public's input into this
 12 process. We're going to do our best to reflect that in
 13 our report. We definitely have deadlines that we need to
 14 meet as the task force, so we -- we do have a deadline.
 15 So, and I'm charged with making sure that we meet those
 16 particular deadlines.
 17 FEMALE MEMBER OF AUDIENCE: We need to have
 18 more public input [inaudible] time for public input.
 19 This is a sneak attack. This is a sneak attack. You all
 20 called this meeting without letting the people know.
 21 They need to know to go [inaudible] so they can find out
 22 you exist.
 23 MR. KREIMANN: As I mentioned, the task force
 24 would welcome written comments as well as the testimony
 25 tonight.

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1 interests in this room and we have to balance those
 2 things. And I think that the draft policy was a good
 3 start for the debate and for the discussion. Like I
 4 heard once, there can be no second guessing until there's
 5 a first guess, and that's what we've done.
 6 FEMALE MEMBER OF AUDIENCE: [Inaudible]
 7 MR. KREIMANN: So, let's go ahead and start the
 8 public input. There was, I'm sorry, there was one other
 9 comment. You had your hand up.
 10 MALE MEMBER OF AUDIENCE: [Inaudible] ...I
 11 didn't see any information about who to address the
 12 letters to or [inaudible] ...you know, any information
 13 that needs to be on there to get it..
 14 MR. KREIMANN: I'll tell you what I'll do -- is
 15 before the task force is over, I'm going to go ahead and
 16 listen. I have the computer here and what I will do is I
 17 will write -- any written correspondence that you need,
 18 needs to come to my attention. So I will give you all my
 19 phone number, I'll give you my address. I would
 20 appreciate written comments. Written comments would be
 21 my preference only because I don't want to be accused of
 22 having a conversation with somebody and then coming back
 23 to me and saying you omitted something that was important
 24 to me. So, if you could do me a favor: provide me the
 25 written comments. We'll collate them. The comments will

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1 be collated and then presented to the Board of
2 Supervisors for consideration.
3 FEMALE MEMBER OF AUDIENCE: [Inaudible]
4 MR. KREIMANN: Sure. My name is Santos
5 S-A-N-T-O-S Kreimann, and that's K-R-E-I-M-A-N-N and I'm
6 with the Chief Administrative Office, 754 Hall of
7 Administration, 500 West Temple Street, Los Angeles,
8 90012 and let me give you my email address. It's
9 skreimann@cao.lacounty.gov (S-K-R-E-I-M-A-N-N at C-A-O
10 at). Last question, then we're going to go to the public
11 section.

12 MALE MEMBER OF AUDIENCE: [Inaudible]
13 MR. KREIMANN: Two part.
14 MALE MEMBER OF AUDIENCE: [Inaudible] ... can
15 you give a [inaudible] definition of very low-income...

16 MR. KREIMANN: Yes, let me tell you what our
17 deadline is. I have -- and these are all internal
18 deadlines. They're not, you know, anything that the
19 Board of Supervisors have given us. I believe, actually,
20 the Board directive said we had ninety days from
21 August 1st. So we'd like to prepare the revised Board
22 report within that ninety-day time frame.

23 FEMALE MEMBER OF AUDIENCE: You mean your work
24 started in [inaudible].

25 MR. KREIMANN: I'm not sure about that. We're

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1 have here. Because we do have a limited amount of time
2 today. Okay. No more questions, let's just get into the
3 public session and if you'd like, you can come up and use
4 your three minutes to talk about whatever it is that you
5 want to talk about. Okay? Does anybody have any --
6 MR. _____ [from the stage]: Santos, just let
7 me add one more thing. When the report of the task force
8 is ready to go to the Board of Supervisors, we will
9 ensure it is on the Department's website at least two
10 weeks before the Board considers it in public session.
11 We will advertise its availability in The Argonaut so
12 that members of the community here are aware of it.
13 We'll also announce it at the Design Control Board
14 meetings, Small Craft Harbor Commission meetings, and our
15 Beach Commission meetings to get as much as dissemination
16 of that information as we can.

17 FEMALE MEMBER OF AUDIENCE: [Inaudible] ...
18 middle of the thing... nobody knew about it? [Inaudible]

19 MR. WOZNEZKI: If you would like, I'll tell you
20 what. If you would like, you could send to Santos or you
21 can send to me an email address or a post office box, so
22 that we can send you the information on when the Board
23 report will be available.

24 FEMALE MEMBER OF AUDIENCE: [Inaudible]
25 MR. WOZNEZKI: No, I said -- ma'am, ma'am, for

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1 going to have to discuss that as a task force. I cannot
2 commit to that.

3 FEMALE MEMBER OF AUDIENCE: [Inaudible] ... a
4 little better so that people in the community know that
5 you exist and that they should write letters?

6 MR. KREIMANN: Yeah.

7 FEMALE MEMBER OF AUDIENCE: [Inaudible]

8 MR. KREIMANN: Hold on. Okay, well first of
9 all, let me just -- let me just say this. This
10 particular meeting was publicized. It was publicized.
11 The draft policy was on the Department of Beaches and
12 Harbors' web page. We have handouts.

13 FEMALE MEMBER OF AUDIENCE: [Inaudible]

14 MR. KREIMANN: But it is there. I mean, you
15 can't say that -- okay. Listen, I'm not going to -- I
16 don't want to get into a debate about, you know, what we
17 did wrong. You know, what we could have done better.
18 You know, we can all do better. There's no question
19 about it.

20 FEMALE MEMBER OF AUDIENCE: Okay, good.

21 MR. KREIMANN: So, what I'd like to do is I'd
22 like to move forward into the public session. If you all
23 would be courteous enough to allow the speakers to speak,
24 give the input that we are so desperately looking for, I
25 think that would serve best in terms of our time that we

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1 anyone in the community, since you are talking to people
2 in the community, spread the word that they can get on a
3 mailing list and I'll be happy to get them the
4 information.

5 [Repeated interruptions by audience
6 member]

7 Ma'am, that's what we're going to do through our public
8 forum at the various commission meetings and The
9 Argonaut.

10 [Audience members speaking over]

11 MR. KREIMANN: This is, hopefully, this is the
12 last we heard. We've heard your concern about the lack
13 of notice for this particular meeting. We'll take that
14 into consideration when we -- the revised policy does
15 come out, we will notice it the way Mr. Woznezki
16 mentioned. And the other thing is, is that anybody that
17 has a speaker card, will be sent one directly to their
18 home. So make sure you have your address on there. We
19 try very hard to make sure that the community knows that
20 these meetings are happening. And, you know, regardless
21 of what you think about my commitment or, you know, or
22 what errors I made, that's okay. I mean, that's what I'm
23 here for. And that's what I'm asking for. All I'm
24 asking for is a chance to let me fix it and then we'll do
25 our best when we recirculate the revised report to the

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1 Board. And then, let's leave it at that, let's move
2 forward. Everybody okay with moving forward?
3 AUDIENCE MEMBERS: Yes.
4 MR. KREIMANN: Okay, let's move forward. One
5 last -- does anybody have anything else to say? No?
6 Okay. So what I'm going to do is I'm going to move the
7 microphone over here. I have a stack of cards here and
8 if Jean [phonetic], can you do me a favor, can you just
9 kind of walk around and collect the rest of the speaker
10 cards? That'd be great. What we'd like to do is make
11 sure that -- we'd like to take all of your statements,
12 all of your concerns. What we want to try to avoid is a
13 debate, actually, about what, you know, our new policy is
14 as opposed to what you think it is. You can certainly
15 tell us what you think about our policy. That's fine.
16 But what I don't want is to digress and, you know, have a
17 lot of -- you didn't think about this, or you didn't
18 think about that, which is fine. We'll do that. But
19 we're not going to have a whole lot of discussion because
20 we have to get through all of the speakers tonight.
21 Okay?
22 MALE SPEAKER FROM STAGE: Do you want to turn
23 that off?
24 MR. KREIMANN: Okay. Like I said, we went
25 ahead and allocated three minutes to each speaker. I

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1 County in general seems to be having a problem with this,
2 with responses. And noticing is not outreach, not the
3 same thing. Right?
4 So, what you have in here is a room full of
5 committed, dedicated people who keep in touch about
6 issues like this. But what you don't have is the renters
7 who is going to be affected by this because they didn't
8 get the word, okay? The people who are here because
9 they've gone out of their way because they care about
10 this issue and they let each other know what's going on.
11 That's not the usual situation.
12 [Applause]
13 One of the things that I'd like to bring up is
14 that this seems to be part of a larger plan for what's
15 going on in the Marina. We've had the Marina Freeway
16 extension; we've got the Admiralty Way widening; we hear
17 all, you know, these rumblings about all these plans for
18 increased density and so forth and so on. And replacing
19 some of the recreational facilities and space with
20 additional housing because that's an income generator for
21 the County.
22 I think that either there should be some effort
23 to present what's going on as part of that larger plan or
24 ask is there a project here, a large project without a
25 plan. And I think it's really important to address that

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1 will be the official timer. So, and I will prod you when
2 you have fifteen seconds left in your presentation.
3 Okay, so the other -- one last thing is we're going to go
4 ahead and we have the revised policy that was issued to
5 the Board of Supervisors here, so if anybody needs them,
6 we're going to go ahead and pass them out so that you can
7 review them. Again, that policy is on the Department of
8 Beaches and Harbors web page if you all need to review it
9 online. Okay?
10 And then, one last item is that just to make
11 sure that we're all clear that we're going to make sure
12 that we allow this individual to get the full benefit of
13 their three minutes, and I just would like to make sure
14 that everyone allows them to speak so they can be heard.
15 And we'll move on from there.
16 Let's see, the first speaker is Mr. David Ewing
17 with the Venice Community Coalition.
18 MR. DAVID EWING: Hi, my name is David Ewing.
19 I am a member of the Venice Community Coalition but I am
20 here on my own behalf. We did not get notice of this and
21 I'm sorry this is -- I live at 1234 Preston Way in
22 Venice. I'm sorry this started out so acrimoniously. It
23 is a problem, though, that there has not been outreach.
24 I am signed up at previous meetings for mailings on other
25 related subjects, have not gotten any. So I think the

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1 and to address that to the public because they're already
2 talking about it.
3 [End of Side A, Tape 1]
4 [Start of Side B]
5 MR. DAVID EWING: [Continuing] And so I think
6 that needs to be dealt with head on.
7 As far as the subject at hand, one thing that
8 I've noticed is that there doesn't seem to be any
9 discussion of displacement. That's a separate question
10 from replacement housing. All the people in places that
11 are going to be torn down have to go somewhere.
12 FEMALE MEMBER OF AUDIENCE: Exactly.
13 MR. DAVID EWING: And that means, that means
14 transients, it means additional burdens on public
15 services, and it means lives disrupted. So, I think it
16 is important for you to deal with that question of
17 displacement. It's a growing question of -- with infill
18 [?] development all over the State, particularly in the
19 City of Los Angeles and now here in the County. I think
20 it's also -- it's very important that whatever you're --
21 whatever you're -- however you fulfill your Mello
22 [phonetic] Act requirement for affordable housing, that
23 there needs to be a solid base number that is not
24 dependent on how many affordable units there are now. In
25 other words, instead of saying five percent or ten

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1 percent because they are -- because we figured there are
2 already a certain number of people there who are going to
3 get replacement housing, you need to have a commitment to
4 the real numbers, the ten and twenty percent which the
5 Mello [phonetic] Act requires. And whatever you do with
6 replacement or whatever you call replacement or call
7 inclusionary or whatever else, you've got to make sure
8 that you meet those numbers, because I can -- you can --

9 MR. KREIMANN: Fifteen seconds --

10 MR. DAVID EWING: Huh?

11 MR. KREIMANN: Fifteen seconds.

12 MR. DAVID EWING: Oh, okay. I'm also wondering
13 what are the penalties if the off-site housing is not
14 completed in three years. It's nice to say, that there's
15 a rule saying they have to, but, you know, what's the
16 stick if those aren't provided?

17 And I also think that, depending on lessors to
18 provide financial information on lessees is a real
19 invitation to abuse. That's the kind of thing that gets
20 abused all the time. So --

21 MR. KREIMANN: Thank you, Mr. Ewing.

22 [Applause]

23 MR. KREIMANN: Our next speaker is Helen
24 Garrit. [phonetic]

25 MS. HELEN GARRIT [phonetic]: See, I told you

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1 housing added to replacement housing and come up with a
2 number. They're separate. Inclusionary housing means
3 you don't reduce the number of apartments in the Marina,
4 okay. That's replacement housing. Inclusionary housing
5 means that you're making more affordable housing to take
6 care of the terrific housing crisis. And don't try and
7 play off the people who are sick against the people who
8 are unhoused. The County is responsible for both and
9 they can't take it out of the Marina. We have people
10 here who need to live here in affordable housing and we
11 want them to stay in affordable housing. And I don't
12 want to see any sick people living in apartments and any
13 healthy people living on the street. That's sick
14 thinking. And we won't have it.

15 MR. KREIMANN: Fifteen seconds, Ms. Garrit.

16 [phonetic]

17 MS. HELEN GARRIT [phonetic]: Well, finally,
18 there's going to be two thousand new apartments in the
19 Marina. We want twenty percent of them to be low-income,
20 affordable housing and we do not want you to start
21 putting in moderate-income apartments for people who earn
22 eighty thousand dollars a year. You're going to
23 subsidize those people? They can rent a house any damn
24 place they want. We want low- and very-low income. We
25 want it in the Marina, on-site, right now. And when you

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1 guys you're going to [inaudible]. So, you're gonna hear
2 from me. You know, after our victory at the Capri
3 Apartment where we got ten percent low-income, people
4 assumed it was ten percent. It's not ten percent
5 everywhere. We want twenty percent. We want all of
6 those houses to be twenty percent. And there's more.
7 There's a better reason why we need twenty percent.
8 There's a terrible housing shortage in this County.
9 You're going to evict hundreds and hundreds and more
10 hundreds of people from their homes in this County from
11 the Marina. Where're they going to go? There's three
12 percent available housing. You're making people
13 homeless. You, you, you, you're making people homeless
14 and you don't give a darn.

15 Now, about your crummy plan. I'm a person
16 who's sick. I got at least four major illnesses. I may
17 very well need someone to take care of me and I have to
18 pay them. Because, God knows, nobody is going to pay
19 them for me. So when I have someone come in and take
20 care of me, they have to live in my house. Are you going
21 to evict me because I have asthma and a heart condition
22 and irritable bowel syndrome? Are you going to evict me
23 when I can't walk? That's a lousy clause. It's a very
24 bad clause.

25 To begin with, you can't have inclusionary

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1 do replacement housing, we want it one-for-one. If it's
2 a low-income unit, we want low-income units replaced. We
3 don't want a replacement moderate-income for people who
4 earn eighty thousand dollars a year.

5 MR. KREIMANN: Thank you, Ms. Garrit.
6 [phonetic]

7 [Applause]

8 MR. KREIMANN: Okay. Thank you, Ms. Garrit.
9 [phonetic]

10 Our next speaker, Mansour Rajimi? [phonetic]

11 MR. MANSOUR RAJIMI: [phonetic] Yes -- the
12 problem is that [inaudible].

13 MR. KREIMANN: So you don't -- so you don't
14 want to speak.

15 MR. MANSOUR RAJIMI: [phonetic] No [inaudible]
16 I'll write a letter.

17 MR. KREIMANN: You'll write a letter. Okay,
18 look forward to reading it. Our next speaker is Mr.
19 Levine.

20 MR. LEVINE: Good evening, task force members.
21 My name is David Levine. I will be addressing you this
22 evening as the current president of the Marina del Rey
23 Lessees' Association and a representative of the
24 ownership of Del Rey Shores Apartments.

25 Your task force is to be congratulated for

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A008033
AFFORDABLE HOUSING TASK FORCE COMMUNITY MEETING SEPTEMBER 7, 2006

<p>1 formulating a draft affordable housing policy for Marina 2 del Rey which isn't always compliant with the Mello 3 [phonetic] Act, yet which provides the County of Los 4 Angeles and its lessees in Marina del Rey a flexible 5 framework within which diverse projects can achieve such 6 compliance. Our recent experience with a myriad of Mello 7 [phonetic] Act compliance issues affecting the 8 redevelopment of Del Rey Shores has shown us that the 9 Mello [phonetic] Act is careful to give local 10 jurisdictions wide discretion in complying with 11 affordable housing requirements. As a result, no two 12 jurisdictions in California comply with the Act in the 13 same way. It is important to emphasize that the Mello 14 [phonetic] Act does not prescribe only one means to 15 comply with the Act and yet multiple, unique projects can 16 differ in many critical elements and still all be 17 consistent with the Mello [phonetic] Act. 18 This is particularly important with regards to 19 our articulation with an affordable housing policy in 20 Marina del Rey which is owned by the County of Los 21 Angeles. Marina del Rey is the largest income-producing 22 asset owned by the people of the County of Los Angeles, 23 all thirteen million of them. While some existing Marina 24 tenants may wish to keep their rents at relatively low 25 levels, there are many hundreds of thousands of other</p> <p style="text-align: right;">Page 38</p>	<p>1 Marina will not take place. 2 Meanwhile the Marina's aging apartment stock 3 will continue to deteriorate without the addition of 4 badly needed market rate apartments or the contribution 5 of affordable housing units. It is therefore incumbent 6 upon all parties within the County family and within the 7 Marina del Rey community to bear in mind the development 8 in the Marina must strike a sensitive balance between 9 often competing interests and values. The social good of 10 providing affordable housing must be weighed against the 11 social cost of subsidizing affordable housing. The 12 disruption new construction causes must be weighed 13 against the improved quality of life the community will 14 enjoy from renovated and new residential and commercial 15 developments in the neighborhood. 16 The Board of Supervisors has the right, indeed, 17 the responsibility to frame the affordable housing policy 18 in this larger context. 19 I have some more which I will submit to you in 20 writing. Let me just conclude with this. 21 We live in a less than perfect world. Perhaps 22 none of us will or can be happy with each and every 23 provision of this policy. But we all have a vested 24 interest in making the policy work in increasing the 25 total housing stock, in providing more affordable</p> <p style="text-align: right;">Page 40</p>
<p>1 County residents who rely on vital County social 2 services, who will benefit from the substantial County 3 revenue that will be generated by redevelopment of the 4 Marina's aging apartment complexes. 5 In fact, over fifty percent of the rent 6 generated by the leaseholds by the Marina for the County 7 is transferred to the County's Department of Health 8 Services. So the County has a special, social interest 9 in generating increased revenue from the Marina. It is 10 simply a fact of life that for every two dollars in rent 11 forgone by the County to subsidize individual, affordable 12 units in the Marina, there will be over one dollar of 13 lost revenue denied to support health services for 14 millions of County residents from Long Beach to 15 Lancaster, from Mar Vista to Monrovia. 16 Moreover, the housing shortage in Los Angeles 17 County extends above and beyond the availability of units 18 to low-income individuals and families to all rental 19 units available at many different levels of 20 affordability. Therefore, the affordable housing policy 21 for Marina del Rey must provide the County of Los Angeles 22 and its lessees with the flexibility to stimulate the 23 construction of market rate units as well as the 24 provision of affordable units. Unless investors are 25 assured of market rate returns, redevelopment of the</p> <p style="text-align: right;">Page 39</p>	<p>1 housing, in keeping redevelopment projects viable, in 2 realizing the redevelopment envisioned in the Coastal 3 Commission Certified Local Coastal Program, and in 4 generating much needed support for a range of vital 5 County services. We believe the draft achieves that 6 balance. Thank you. 7 MR. KREIMANN: Thank you. Can I -- 8 FEMALE MEMBER OF AUDIENCE: [Inaudible] 9 MR. KREIMANN: Mr. Levine, if you can just give 10 me the written -- to Mr. Frencano [phonetic] there, I'd 11 appreciate it. 12 Okay, our next speaker is Mr. Ben Beach. 13 [Applause] 14 MR. BEN BEACH: Would somebody raise this? 15 MR. KREIMANN: Let me know when you're ready. 16 MR. BEN BEACH: Okay, thank you. 17 Good afternoon, good evening, task force 18 members. My name is Ben Beach, Family Legal Aid 19 Foundation of Los Angeles. There's been, as has been 20 noted, there's been substantial amount of discussion 21 about this policy and we've participated in some of that 22 discussion. So, I know that some of you got the benefit 23 of our written submissions. And I'd just like to make a 24 couple of points if I could this evening. 25 The first is, as I think it's fairly widely</p> <p style="text-align: right;">Page 41</p>

1 acknowledged, the County is in the midst of an affordable
2 housing crisis. In that respect, the Marina del Rey
3 territory is quite unique. It's unique in that it
4 prevents -- it presents both an opportunity and a
5 responsibility to address the crisis. It presents an
6 opportunity in the sense that it's county-owned land.
7 it's land that the County is in a position to make a
8 policy decision about how to use. And it presents a
9 responsibility on the County's part in the sense that the
10 Mello [phonetic] Act requires the County to deal with the
11 affordable housing issues in the Marina.

12 Now, there's some debate over exactly what the
13 nature of the County's responsibility is and I'm going to
14 speak specifically to the inclusionary issue. The State
15 Mello [phonetic] Act said, we believe, we stand for --
16 let me say that again. We stand for the proposition that
17 the State Mello [phonetic] Act, that the statute that
18 says: if it's feasible to build something, you have to
19 build it; means if it's feasible to build something, you
20 have to build it.

21 The County's positions thus far in this debate
22 has been: if it's feasible to build something, if the
23 statute says it's feasible to build something, you might
24 have to build it. If you do have to build it, we're
25 going to give you an opportunity to take an automatic

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1 developments.

2 [Applause]

3 So, in some -- in the one place in the County
4 where we have both an opportunity and a responsibility to
5 address the dire affordable housing crisis that presently
6 faces us, this group has thus far has, we believe, taken
7 a position that's fallen far short of what's feasible in
8 terms of inclusionary housing units and certainly far
9 short of what's needed. Thank you very much.

10 [Applause]

11 MR. KREIMANN: Dale Goldsmith.

12 MR. DALE GOLDSMITH: Good evening, honorable
13 task force members. My name is Dale Goldsmith. I'm a
14 partner with the law firm of Armburster [phonetic] and
15 Goldsmith, representing Legacy Partners which hopes to
16 redevelop the Neptune Marina parcel in the Marina.

17 As a preliminary matter, I'd like to stress
18 Legacy Partners' commitment to fully comply with the
19 Mello [phonetic] Act in connection with its redevelopment
20 of the Neptune Apartments. As I will describe in a
21 moment, we believe that the draft affordable housing
22 policy will allow Legacy to achieve this important goal.
23 However, before I address the draft policy, it's
24 important to place the unique nature of Marina del Rey in
25 context.

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1 reduction in what you actually do have to build based on
2 a density bonus or based on pre-existing housing.

3 We think we have the better reading of the
4 statute when those two things are put side-by-side. But
5 let's pretend that in fact the County's position that the
6 inclusionary requirement from a legal standpoint is wide
7 open, that this is a -- we're just, you know -- it's a
8 blank canvas. You can strike whatever policy -- you can
9 set out on whatever policy decision you want in the
10 Marina.

11 The policy decision that's been put forth thus
12 far is, frankly, about as weak a position as this group
13 could take in terms of insuring that there is an adequate
14 inclusionary provision for the reasons that I've just
15 said. It's an extremely low inclusionary obligation
16 because developers, I think it's fair to say, are likely
17 to opt for the five percent very low, and then they can
18 come back around and say, well we have the further
19 reduction based on the density bonus, and by the way, we
20 have a further reduction based on the fact that we had
21 pre-existing housing on this site.

22 Let's compare that just with a few steps down
23 the road in Venice where developers are, in fact,
24 complying with a ten percent very low or twenty percent
25 low requirement and including affordable housing in their

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1 The Marina is owned and operated by Los Angeles
2 County for the enjoyment and benefit of all County
3 residents and it generates substantial general fund
4 revenue that is used, among other things, to fund County
5 Health and Social Services. This fiscal year alone, more
6 than fifty percent of the Marina's ground rent proceeds
7 will be transferred to the County Department of Health
8 Services. Providing affordable housing in the Marina
9 will necessarily require a reduction in ground rents. We
10 should not ignore the fact that the more revenue that is
11 used to subsidize affordable housing in the Marina, the
12 less revenue there will be available to support other
13 vital countywide services.

14 I'd also like to dispel the notion that the
15 County has done nothing with respect to affordable
16 housing, including the recently-approved Shores
17 [phonetic] Project which RPC acted on a couple of months
18 back. There are a hundred and seventy-nine approved,
19 affordable units that will come online hopefully in the
20 next couple years. When this policy is implemented, the
21 draft policy, there will be many more affordable units
22 constructed as aging properties are redeveloped.

23 With these broader social considerations in
24 mind, the method by which the County complies with the
25 Mello [phonetic] Act should be balanced with

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1 clearly-defined public policy objectives.
 2 We think that the appropriate objective is to
 3 facilitate the production of affordable housing the
 4 coastal zone or if that is infeasible, within three miles
 5 beyond without jeopardizing the County's ability to
 6 generate funding for other countywide benefit programs.
 7 In speaking of the draft policy it is critical
 8 that any adopted affordable housing policy for the Marina
 9 provide developers with sufficient flexibility in
 10 complying with the Mello [phonetic] Act requirements.
 11 Otherwise, developers will likely be unable to redevelop
 12 their properties. Meanwhile, the Marina's aging
 13 apartment stock will continue to deteriorate without
 14 contributing a single affordable unit.
 15 We commend the task force for including in the
 16 draft policy this sort of flexibility.
 17 MR. KREIMANN: Fifteen seconds.
 18 MR. DALE GOLDSMITH: We would appreciate
 19 though, however, that if the task force could clarify one
 20 aspect of the current draft. The Executive Summary says
 21 that any rent concession by the County will relate only
 22 to inclusionary units, because inclusionary units are
 23 required only if feasible and the replacement units are
 24 critical for the determination of feasibility. We
 25 believe that the replacement units must necessarily be

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1 [Inaudible response.]
 2 MR. KREIMANN: How do you pronounce your first
 3 name?
 4 MS. GITANE VALENTINE: "Gitane." [phonetic]
 5 MS. KREIMANN: Gitane. Okay.
 6 MS. GITANE VALENTINE: My name is Gitane
 7 [phonetic] Valentine. I'm a long-time Venice resident.
 8 And I'm a member of Power and Venice Community Housing.
 9 I live in Venice. In fact, Venice could walk to Marina
 10 del Rey and Marina del Rey could walk to Venice. For the
 11 counties who have ten percent low and five percent very
 12 low, it should be like the City: twenty percent low and
 13 ten percent very low. I think everybody's heard about
 14 Lincoln Place. There are thirty-seven people left. One,
 15 today, I understand went to the hospital. I've gotten to
 16 know the people at Lincoln Place. I know a lot of people
 17 that this will affect and the City and the County should
 18 be the same. Because -- and another thing of my concern
 19 is the seniors and the ones specially at Lincoln Place
 20 that are being evicted. Those are seniors and disabled
 21 people and for one to have to go to the hospital today on
 22 account of this.
 23 You should consider and have one Mello
 24 [phonetic] Act and it should be twenty percent or ten
 25 percent, just like the City is. Thank you.

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1 considered in determining the amount of any such rent
 2 concessions. Thank you for this consideration.
 3 MR. KREIMANN: Thank you, Mr. Goldsmith.
 4 [Inaudible from female audience member]
 5 MR. KREIMANN: Okay. Our next speaker is
 6 Liliana Hernandez.
 7 [Applause]
 8 MS. LILIANA HERNANDEZ: Good evening. My name
 9 is Liliana.
 10 MR. KREIMANN: Could you move the mike down?
 11 So, speak right into the mike because we're trying to
 12 record this. Thank you.
 13 MS. LILIANA HERNANDEZ: My name is Liliana and
 14 I'm from Power. I live in the City of Venice and because
 15 Marina is right next door to me, this policy of five
 16 percent very low- or ten percent low-income units is not
 17 enough. So this concerns me because this will come to
 18 Venice next. So this needs to be more of like a twenty
 19 percent or at least double. And that's all I have to
 20 say. Thank you.
 21 MR. KREIMANN: Thank you.
 22 [Applause]
 23 MR. KREIMANN: Our next speaker is, and forgive
 24 me, but I believe it's Shatwan [phonetic pronunciation by
 25 Mr. Kreimann] Valentine? How did I do with that name?

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1 [Applause]
 2 MR. KREIMANN: Thank you, Ms. Valentine.
 3 Our next speaker is Lauren Wolpert [phonetic].
 4 Lauren? Welcome.
 5 MS. LAUREN WOLPERT [phonetic]: Hi, thank you.
 6 I am Lauren Wolpert and I'm a resident of Del Rey and I
 7 just have a couple concerns. Here I am, talking to the
 8 microphone. As far as the houses are available, I mean I
 9 was able to find out about this meeting, I was able to
 10 find out a place like Power existed, but where is a
 11 centralized location that one would find housing units if
 12 and when they become available. Because I don't have an
 13 association with any group that exists.
 14 Something else that bothers me or concerns me
 15 as far as development is as all these housing is being
 16 grown up, who is taking care of the infrastructure.
 17 Because I've noticed there's been a lot going on with the
 18 County are in Culver City as far as having sewage leaks.
 19 I know there's a lot of things kind of falling apart that
 20 way. So who takes care of and who will improve the
 21 infrastructure. Because within the developments there
 22 also hasn't been an increase in park space even with the
 23 expansion of something like Centenella [phonetic],
 24 there's been an increase in bypass. And that would lead
 25 nicely off to the, you know, the main bypass there. So

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1 that has been minus more than plus.

2 Also, as far as moderate income people, there's
3 a lot of people in that area that have fallen through the
4 cracks, that have spent a life of sofa surfing and have
5 not been able to find any foundation in their life to
6 move forward in it. I would appreciate, at the end of
7 this, if you write all the available, good websites'
8 addresses, emails -- if I found my pen, I could write
9 them down.

10 As far as a Plan B, we have all these things
11 being built right now and I'm sure a lot of developers
12 want to see them to the end, but as we know, a lot of
13 people's construction loans are for a small amount of
14 time and interest rates are going up, and construction
15 costs are going up, and a lot of people might not finish
16 these buildings. What are we going to do because we are
17 going to have a couple of half-finished apartments as
18 much as we would like to think they are or think they're
19 not, or whatever. It's just going to happen. It's just
20 the nature of business.

21 Also, as far as domestic partners -- as far as
22 financially helping one another, a lot of times we're not
23 insured by each other's insurance, we cannot get each
24 other's social security benefits once they're retired, we
25 cannot get widow and widower's benefits. So, at this

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1 I don't have the time to do that. I feel like this is,
2 you know, like a backroom deal going on that -- it's
3 going to affect me and my family. And I have nothing to
4 say about it. It's going to affect me. So, you know, in
5 just some of the notes I wrote from tonight, you know, I
6 want to know. It's like you guys, you know, talking
7 about the density maybe of where we live right now or how
8 many people are already here. And what it's like to just
9 drive around Admiralty right now and how we see it just
10 changing.

11 I mean, there's enough people here. And when
12 the County says, you know what, okay Del Rey Shores,
13 there's two hundred families there now. Go ahead, add
14 another five hundred. How does that affect the way we
15 live? You know, I mean, there's got to come a point
16 where somebody, and I think it's got to be you people who
17 really say, you know what? Yeah, things have got to
18 change. We've got to stop all this madness of just grow,
19 grow, grow for money.

20 [Applause]

21 You know, and you displace people, that really affects
22 lives. And I want to talk about that. I'm the father of
23 two that go to school here, locally. Now, I just found
24 out I have to tell my children that they're going to be
25 displaced. Maybe that's my fault because I don't live in

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1 point, we just have the right to divorce and how come we
2 don't have the right to inclusion in this? How come
3 everything has to be together when everything else, as
4 far as benefits, we're not entitled to. I think that's
5 all I have written down at this point. Thank you very
6 much for your time.

7 MR. KREIMANN: Thank you very much.

8 [Applause]

9 MR. KREIMANN: Our next speaker is Mark
10 Hensley. [phonetic]

11 MR. MARK HENSLEY [phonetic]: Yeah, I'm Mark
12 Hensley. I live at Del Rey Shores and I guess the one
13 thing that really strikes me about this whole thing
14 that's happening is that I just found out about all this.
15 I look on the board over here and it shows all these huge
16 buildings being built -- what this big plan is and I've
17 lived here all my life and I've never known about any of
18 this stuff happening until somebody from the Power
19 organization dropped something on my doorstep.

20 And so I have no idea what to say. As the guy
21 that represents Del Rey Shores and the other developer
22 who came up here, he had a nice typed out something to
23 say to everybody. It sounded really nice. I would
24 really love that opportunity to also put something
25 together so that it sounds better. You know, right now,

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1 a two million dollar home. I can't afford that. Even
2 though I've lived in this neighborhood my whole life,
3 okay. And three generations of my family have lived
4 here. But now I will not be able to afford to live here
5 if your plan goes through. And so I just want to know,
6 who's looking out for me and my family. Is it the
7 government? And I'm just, I'm wondering about that
8 because I've always felt that the government had my best
9 interest in mind.

10 But now I'm really realizing that the guys with
11 the suits, okay, that's where it's going. They're going
12 to get it their way and I do feel the winds of change of
13 blowing. And it's going to happen. So that leads me to,
14 okay, so my family gets displaced, you know. What am I
15 going to do? Where will I go to? They'll give me ninety
16 days. I'm on a month-to-month right now even though I've
17 lived in Del Rey Shores for seven, six years now. I'm on
18 a month-to-month and literally tomorrow they could give
19 me a ninety-day, and I don't know what I'm going to do.
20 And what will I do with my children going to school.
21 What will I tell my kids.

22 You know, these are things you really have to
23 look at and slow down. Let's just slow down and let
24 everybody know what's going on here because it's really
25 incredible and I feel sorry for all the other people that

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1 live in the County, you know. And I don't think any of
 2 you probably live here. I really don't. I doubt that
 3 very much. Because, you know, you guys are putting
 4 policy together that's affecting us. Well, help us out.
 5 If you're going to help everybody in the whole County
 6 and, you know, I didn't realize that I wasn't in LA until
 7 pretty much today. You know, I thought I would be
 8 entitled to the same things people in LA are entitled to
 9 or Santa Monica.

10 If I am displaced, is somebody going to help me
 11 move? Because I'll tell you right now, I'm living month-
 12 to-month. I've got a wife that doesn't work, I've got
 13 medical problems at home. And it's real important to me.
 14 And somebody has to look out for the little guy, okay.
 15 And that's me. And all the other people back here,
 16 they're going to lose their housing and where will we go?
 17 You know what, I've lived at the beach my whole life and
 18 I don't want to move inland much more, okay. So please
 19 slow down and let us have a chance to just discuss this
 20 and do it with community involvement. It's not backroom
 21 deals; it's about community involvement and we should all
 22 work together, because it's going to happen, I know it's
 23 going to happen. But let's work together, okay. Thank
 24 you.

25 MR. KREIMANN: Thank you Mr. Hensley.

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1 However, the Marina's experience with
 2 redevelopment projects is that they do create income-
 3 restricted units as well as new, high quality housing
 4 stock to replace the older existing units which date from
 5 sixties and seventies here in the Marina.

6 The five projects approved in recent years have
 7 led to a hundred and seventy-nine income-restricted,
 8 affordable units and the several projects which are now
 9 in the approval process, including our Villa Venetia
 10 Project, are all planning to support affordable housing.

11 The current draft policy offers a fair and
 12 predictable process for determining feasibility and
 13 correctly recognizes that off-site alternatives may be
 14 appropriate depending on the facts.

15 MR. KREIMANN: Fifteen minutes -- fifteen
 16 seconds, I'm sorry.

17 MR. PETER ZACK: The County is doing the right
 18 thing by balancing competing goals and supporting
 19 redevelopment with appropriate consideration of
 20 affordable housing. We support those efforts and look
 21 forward to continuing toward our goal of maximizing the
 22 number of units we can feasibly support while still
 23 ensuring an appropriate return to the County and to
 24 justify our investment in new public infrastructure and
 25 environmental benefits for the Marina and all

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1 [Applause]

2 MR. KREIMANN: Our next speaker is Peter Zack.

3 MR. PETER ZACK: Good evening, members of the
 4 task force. My name is Peter Zack and I'm speaking on
 5 behalf of the Villa Venetia Project. We're currently
 6 working hard on this project and are very proud of our
 7 top quality design which we presented to the DCB last
 8 week. We absolutely recognize the importance of
 9 affordable housing in this region. This isn't lip
 10 service; we take responsibility to help to find solutions
 11 and, in fact, several of us have worked on other market
 12 rate projects that include affordable housing. We will
 13 draw upon that commitment and experience at Villa
 14 Venetia.

15 We support the proposed draft policy because we
 16 believe it seeks to provide the greatest net benefit to
 17 the community including affordable housing advocates
 18 because it allows for flexibility and a case-by-case
 19 analysis of the facts presented by each project in
 20 determining the best way to support affordable unit
 21 production. We understand that some tenants that
 22 currently live here in the Marina, including our existing
 23 tenants, don't want change because they hope that without
 24 redevelopment the status quo and existing rent will
 25 continue.

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1 stakeholders. We think the current draft policy will
 2 allow the positive outcome and allow the County to
 3 continue to generate leasehold revenues from the Marina
 4 to support other County social programs. We support the
 5 flexibility of the proposed policy. Thank you.

6 MR. KREIMANN: Thank you very much. Let's just
 7 give it to Mr. Bollein [phonetic].

8 FEMALE MEMBER OF AUDIENCE: [Inaudible]

9 MR. KREIMANN: Could I -- could I just make one
 10 more request and that's please don't interrupt the
 11 speakers. It's not appropriate. We're going to give
 12 everybody a chance to speak and just please, it'd make
 13 things work a lot smoother. So if I hear more
 14 interruptions, it's going to force me to tack more time
 15 onto the individual. I think that's fair. So, please,
 16 we're all adults here and we understand that it's a hot
 17 topic and it is a difficult one, but please, I will
 18 appreciate everybody being civil to one another and
 19 extending the courtesy of allowing them to speak of their
 20 particular views. With that, our next speaker is Deanna
 21 Kitamoro? [phonetic]

22 MS. DEANNA KITAMORO: [phonetic] Good evening,
 23 I'm Deanna Kitamoro, an attorney with Western Center on
 24 Law and Poverty. I'm here with my legal aide colleagues
 25 in support of Power.

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1 The first thing I want to know is that the only
2 people who have come up here in support of the policy;
3 the draft policy, have been the developers and there's a
4 reason for that because the policy is inadequate. Ben
5 Beach, my colleague, addressed some issues and Dan Brown,
6 my other colleague, will address the other ones. I would
7 like to point out a couple of other things.

8 First of all, the policy lacks guidance on
9 important issues. Because the Mello [phonetic] Act
10 requires affordable inclusionary units where feasible,
11 the question of where the affordable units will be
12 located and whether inclusionary units will be required
13 all comes down to feasibility and in order to figure out
14 feasibility, the County must decide on methodology and
15 threshold levels.

16 But the policy is completely silent on these
17 two issues and a lack of guidance results in
18 inconsistency decisions. We know from comments made by
19 the RPC that they want the County to provide them
20 guidance. Otherwise for each proposal that comes along
21 there will be a fight over which methodology and
22 threshold to use. Unless these issues are resolved in
23 the policy, you essentially have an ad hoc process. And
24 the one point that is covered in the draft policy with
25 regards to feasibility is that there can be an adjustment

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1 County's housing elements states that the County will
2 coordinate with the private sector in the development of
3 a variety of affordable housing for both rental and
4 ownership. If you allow developers to build only rental
5 for the affordable units, the County will have missed an
6 easy opportunity to promote one of its housing element
7 policies.

8 The draft Marina policy is highly problematic
9 legally and for policy reasons. We encourage you to
10 incorporate all of the comments that we have addressed in
11 our letter to you and as well as to the Board of
12 Supervisors. Thank you.

13 [Applause]

14 MR. KREIMANN: Thank you very much. Our next
15 speaker is Suzanne Brown.

16 MS. SUZANNE BROWN: Good evening. My name is
17 Suzanne Brown and I'm an attorney with the Legal Aid
18 Foundation of Los Angeles. My testimony tonight is going
19 to focus on some key problems with the replacement
20 housing provisions of the draft policy.

21 First, the policy creates a number of improper
22 exemptions from the Mello [phonetic] Act's replacement
23 housing obligation. These include resident managers,
24 students who pay their own rent and financially
25 independent relatives who live together.

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1 up to two hundred points. However, the draft, again,
2 does not provide any details on when such an adjustment
3 should be made. So this policy is essentially ad hoc.

4 There is also discussion, or there's also a
5 point about rent adjustments in the policy. Under the
6 County's existing Marina policy, the County indicated
7 that it was willing to reduce the ground lease by
8 fifty-three percent. But the proposed policy states that
9 the County is willing to reduce their ground lease on
10 inclusionary units, but it does not provide any
11 percentage, any sort of cap to that level. If there is
12 no maximum level provided, then it is difficult to
13 conduct any feasibility analysis, because a formula
14 cannot be established.

15 So, once again, the County will have to conduct
16 a case-by-case analysis because the policy does not spell
17 any details out.

18 The last point that I want to make is about
19 rental versus ownership. The draft policy allows all
20 affordable units to be a rental, even where the market
21 rate units are ownership. This is problematic for a
22 variety of reasons. One of the main reasons to bar such
23 pol -- tradition [?] is that affordable units and the
24 tenants residing in them are likely to be stigmatized if
25 all the other units are ownership. Moreover, the

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1 Second, while the Mello [phonetic] Act requires
2 examination of current tenant incomes to determine if a
3 replacement unit is required, the policy improperly
4 allows examination of rent levels. This violates the
5 Mello [phonetic] Act and it also makes little sense from
6 a policy perspective because in today's housing prices,
7 tenants are doubled up and overcrowded in order to afford
8 rents.

9 Third, while the Mello [phonetic] Act requires
10 replacement of low- and moderate-income units on a
11 one-for-one basis, the policy improperly allows for
12 replacement of bedrooms on a one-for-one basis. This
13 constitutes an improper reduction in the Mello [phonetic]
14 Act's replacement housing obligations. And again, it
15 does not go very far in helping us in today's housing
16 prices.

17 Fourth, while the proposed policy is proposing
18 a thirty-year covenant on affordable housing units, we
19 recommend that units remain affordable for the life of
20 the ground lease. Otherwise, as all of the ground leases
21 in the Marina come up for expiration, we're going to --
22 I'm sorry. In thirty years, we're going to see a loss of
23 all the affordable units at one time. Whereas if we keep
24 them affordable for the life of the ground lease, we're
25 not going to have a big loss of affordable units at one

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1 moment.

2 Fifth, pursuant to our reading of the Mello

3 [phonetic] Act, like-for-like replacement of units is

4 required. This means that if a low-income unit is

5 demolished or converted, it must be replaced with a

6 low-income unit. Unfortunately, the proposed policy is

7 interpreting the Mello [phonetic] Act to allow

8 replacement of any unit with a moderate-income unit.

9 Again, this violates the Mello [phonetic] Act and in

10 light of our housing crisis, is a very poor policy

11 choice.

12 Sixth, while the policy allows developers to

13 provide replacement units either on-site or elsewhere in

14 the coastal zone, it would be much better policy for the

15 County if replacement units were located on-site. It

16 would meet the goals of the Mello [phonetic] Act which

17 are anti-gentrification.

18 Seventh, the proposed policy improperly allows

19 developers to satisfy their housing obligations through

20 rehabilitation. This is not permitted by the Mello

21 [phonetic] Act because it does not create net new units.

22 Rehabilitation, moreover, is cheaper than new

23 construction so it provides developers with a constant

24 incentive to build off-site, which, again, is not in the

25 best interests of the community and does not meet

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1 anti-gentrification interests. Developers should be

2 required to satisfy their Mello [phonetic] Act

3 obligations through either adapted reuse or new

4 construction, because this will yield net new units and

5 help our housing crisis. Thank you.

6 MR. KREIMANN: Thank you. Mr. Helfetz,

7 [phonetic] you have a comment?

8 MR. HEIFETZ [phonetic]: Yeah. Just as a

9 clarification: a couple, two points -- not to get into a

10 debate with Ms. Brown and I'm sure we will talk more

11 about this later, but the two points that I just wanted

12 to make a comment on: one is the issue of rent levels.

13 What the draft policy provides is we were only -- the

14 draft policy provides that we will only look at rent

15 levels versus tenant income when the tenant doesn't

16 complete the survey and we otherwise don't have income

17 information for that tenant. That's the only time that

18 we -- that the draft proposer is looking at rent levels.

19 So that's just one point. We can talk about that more

20 later.

21 Second, the only other -- the second point, I

22 just want to make sure, because I think the task force

23 was clear, but maybe the document we submitted wasn't

24 clear on rehabilitation. We're not at all, I don't think

25 the draft policy is proposing to rehabilitate a unit that

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1 otherwise is low income. We're talking about taking a

2 market rate unit and rehabilitating it to add to the

3 low-income stock. So it would in fact increase the

4 stock. That's the intent of the current draft.

5 MR. KREIMANN: Thank you. Our next speaker is

6 Maryanne Weaver.

7 MS. SUZANNE BROWN: [Inaudible]

8 MR. KREIMANN: Hold on, hold on, you had your

9 three minutes, so...

10 MS. SUZANNE BROWN: [Inaudible]

11 MR. KREIMANN: Okay, I'll allow it this one

12 time.

13 MS. SUZANNE BROWN: [Inaudible] ...just in

14 terms of the rehabilitation, if you're subsidizing the

15 exiting market rate units to make it low-income, you're

16 not adding to our housing stock in any way; you're just

17 adding a subsidy to an existing unit and the point with

18 such a housing crisis right now is to constantly increase

19 the housing stock and increase the amount of low-income

20 units.

21 Putting that issue aside, a separate point,

22 along with this, is, it is immensely cheaper to subsidize

23 and rehab an existing unit than it is to create a new

24 low-income unit either on or off-site. So there is a

25 constant economic incentive for the developer to rehab

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1 and subsidize a unit instead of creating a new unit and

2 adding to our housing stock and creating a low-income

3 unit. Thank you.

4 MR. KREIMANN: Thank you. Maryanne Weaver?

5 MS. MARYANNE WEAVER: Good evening. My name is

6 Maryanne Weaver and I'm a resident of Marina del Rey.

7 MR. KREIMANN: I'm sorry, could you put the

8 microphone closer to your -- thank you.

9 MS. MARYANNE WEAVER: Okay. For eight years I

10 was a resident at Kingswood Village and before Kingswood

11 Village was purchased by Art Stone [?] some of us tenants

12 were informed that -- by Kingswood Management that the

13 County had requested that Kingswood prepare a plan for

14 affordable housing and they were working on that plan

15 when Art Stone took over. The question we need answered

16 is why the County did not insist that Art Stone continue

17 with that plan. The Kingswood Village Complex consist of

18 six hundred and twenty-four units and when Art Stone took

19 over, a large percentage of those tenants were people who

20 would have qualified for affordable housing and seniors

21 between the ages of sixty-two and ninety years old.

22 If at least ten percent of affordable housing

23 had been available, many of those -- it would have been

24 at least sixty units -- and many of these people that

25 were displaced, would have remained in their homes. At

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17 (Pages 62 to 65)

1 one of the new surrounding communities, Playa Vista,
 2 several apartment complexes are offering affordable
 3 housing. For instance, the Avalon del Rey offers ten
 4 percent low income and ten percent affordable income, a
 5 moderate income which is twenty percent total.
 6 Due to the dark situation in the country today,
 7 many companies are outsourcing work, cutting back
 8 workforces, pensions being cut, wage concessions. And
 9 according to recent statistics, more than fifty percent
 10 of the American people have income of less than fifty
 11 thousand dollars per year and that percentage is rapidly
 12 decreasing.
 13 These are hard-working people along with senior
 14 citizens, some who live right here in Marina del Rey who
 15 would like to stay here and they should stay here. But
 16 because of the outrageous rent increases, these people
 17 are being forced out of their homes and the sad thing is
 18 that they're not compensated for it as some of these
 19 surrounding areas do.
 20 In revising the policy, we want the policy to
 21 state that every apartment complex in Marina del Rey be
 22 required to offer twenty percent affordable housing and
 23 that it not be limited to just the new complexes, but all
 24 complexes --
 25 MEMBER OF AUDIENCE: Yayy.

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1 First, the purpose of the Mello [phonetic] Act
 2 was to restore local control over housing policy. Prior
 3 to the Mello [phonetic] Act, the state imposed affordable
 4 housing requirements on projects in the coastal zone. As
 5 a result, coastal cities and counties had little to no
 6 control over housing policy within a portion of their
 7 jurisdiction. The Mello [phonetic] Act was one of many
 8 acts introduced to give control over housing policy back
 9 to local governments.
 10 Today, the Mello [phonetic] Act gives the
 11 County a great deal of discretion and flexibility to set
 12 housing policy on a countywide basis. The Mello
 13 [phonetic] Act does not set minimum percentages; it gives
 14 the County discretion to determine how best to meet its
 15 housing needs.
 16 In addition, the Mello [phonetic] Act is
 17 premised on feasibility. Sorry about that. Feasibility
 18 --
 19 [End of Tape 1, Side B]
 20 [Start of Tape 2, Side A]
 21 MS. ESTELLA DE JANOS [Phonetic]: Four factors:
 22 environmental, social, technical and environmental.
 23 Projects that cannot be successfully completed within a
 24 reasonable period of time are not considered feasible.
 25 Each of these of these factors including timing and

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1 MS. MARYANNE WEAVER: -- including the
 2 renovated and the non-renovated. Thank you.
 3 MR. KREIMANN: Thank you very much. Our next
 4 speaker is Estella de Janos? De La Janos?
 5 MS. ESTELLA DE JANOS [Phonetic]: Good evening.
 6 MR. KREIMANN: Good evening.
 7 MS. ESTELLA DE JANOS: My name is Estella de
 8 Janos of Latham & Watkins on behalf of Lion Capital, the
 9 lessee for Villa Venetia. We agree we need more housing,
 10 but the Mello [phonetic] Act alone will not solve our
 11 housing crisis. Requiring projects in the coastal zone
 12 to provide units on-site where land costs are the highest
 13 and density may be limited by deference to coastal
 14 resources, is among the least cost-effective options and
 15 will generate few units given the high cost per unit.
 16 The County needs to consider options that will maximize
 17 the number of affordable units.
 18 This includes off-site alternatives that can
 19 take advantage of lower land costs, reduced environmental
 20 constraints and the ability to leverage private funds
 21 with tax credits and other financing incentives to
 22 maximize creation of affordable housing. As you evaluate
 23 your comments, the comments on the current draft, we know
 24 its consistency with the purposes of the Mello [phonetic]
 25 Act.

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1 likelihood of success are important and must be .
 2 considered.
 3 In addition, the County as landowner, must
 4 consider the revenue impacts. Rents from the Marina have
 5 been a substantial source of the County's unrestricted
 6 funding which is used for important countywide programs
 7 such as health and other social services. Reducing
 8 ground rents directly impacts this funding. The County
 9 must analyze the fiscal impacts of any alternatives to
 10 the proposed policies.
 11 We support the current draft because it seeks
 12 to establish a clear and predictable compliance process
 13 and because it recognizes that the Mello [phonetic] Act
 14 gives the County flexibility to permit both on- and
 15 off-site compliance. The County is a landowner;
 16 therefore, it should consider ways to maximize production
 17 of affordable units.
 18 Many of the housing units in the Marina are in
 19 need of renovation and lessees are eager to provide the
 20 County with new units that need energy efficiency,
 21 seismic and other current building standards and which
 22 will increase County revenues for important County
 23 programs. Clearly, more housing is needed at all levels,
 24 but until a policy is adopted, lessees will be
 25 discouraged from redeveloping the Marina and to no new

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1 income-restricted units will be created. Therefore, we
2 ask you to move swiftly to adopt a policy.
3 We look forward to providing supplemental
4 comments in writing as your process continues. Thank
5 you.

6 MR. KREIMANN: Thank you. Our next speaker is
7 Carla Andrews?

8 FEMALE MEMBER OF AUDIENCE: [Inaudible]

9 MR. KREIMANN: No, no. We're going to do it
10 now, yeah.

11 FEMALE MEMBER OF AUDIENCE: [Inaudible]

12 MR. KREIMANN: Great.

13 MS. CARLA ANDREWS [phonetic]: [Inaudible] ...
14 you know, that's the kind of presentation you'll get, I
15 suppose. You know, it's like -- well, the first thing
16 I'd like to say is we definitely do need workshops on
17 this matter, okay. And you have not succeeded in the
18 outreach that is required to even let this community
19 know --

20 [Audience speaking over]

21 We need workshops and we also need a better outreach,
22 absolutely. The purpose of the Mello [phonetic] Act is
23 to provide the -- not the minimum affordable housing, but
24 rather the maximum amount of affordable housing the
25 coastal zone and the most generous offering in support of

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1 I'd like to see an audit on the benefit of
2 these revenues, too. We all know how dismal failure the
3 County has been in these social benefit programs. And
4 for you to tell us that by eliminating housing in this
5 marina, how it's going to fix everything -- I want to see
6 an audit on that. I'd like to see how that really works
7 in numbers.

8 The Mello [phonetic] Act is a poor compromise,
9 at best. You know, when you're gentrifying an area like
10 this, it's just -- it's just -- you're asking, you're
11 giving these developers all the goodies in the world,
12 right. They get density housing, they get extra traffic
13 credits, they get new leases, extended leases, leases
14 without even looking at the bid. And then you give us
15 the crumbs of affordable housing. And now we see the
16 developer and the County fighting over those crumbs. And
17 we're just stand here left going, oh well, maybe we'll
18 give five percent.

19 MR. KREIMANN: You have fifteen seconds.

20 MS. CARLA ANDREWS: Because you're going to
21 help somebody, you're going to help social benefit
22 programs? I want to see some real proof of that.

23 MR. KREIMANN: Thank you very much.

24 [Applause]

25 MR. KREIMANN: Our next speaker is Nancy

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1 state law and its intent.

2 Marina del Rey, in its unique role to the
3 region as recreation, small craft harbor, does not
4 recognize housing as a priority and this is -- I'm going
5 to take this opportunity to say that when you are looking
6 at a new lease, and a new project, you have denied us a
7 bid on that project. The public has a right to look at
8 that property before you give an extended lease or new
9 leases or anything else to revisit that property to
10 determine if we want housing in the area at all.

11 For instance, your Del Rey Shores -- it's two
12 hundred units now. Maybe we would like to see that taken
13 off the map and a baseball field put there. It's our
14 choice. We should be able to say something about that.
15 It is publicly-owned marina. We keep saying "county-
16 owned marina," but this marina belongs to the public. We
17 paid for it, we have a land use plan, we have a local
18 coastal plan, and you need to adhere to that.

19 So housing is not a priority in the marina,
20 anyway. However, we do have housing here and as it
21 started, it was a fair reasonable -- it was fair and
22 reasonable rent. The lessees' association sued to get
23 out from under that obligation. The County rolled over
24 and said, well, you know, here's a way to maximize our
25 revenues.

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1 Marino?

2 MS. NANCY MARINO: Good evening. My name is
3 Nancy Vernon Marino and I am a Marina del Rey resident.
4 That's M-A-R-I-N-O, I think you wanted me to spell that.

5 Hello to all of those of you who see me
6 practically every meeting. I didn't have a lot of time
7 to prepare today because there were actually three public
8 hearings on Marina del Rey projects last week. The
9 County departments and commissions and everything --
10 they're paid full-time to do this job and they have come
11 here very well prepared. I sat during your presentation
12 scribbling down my reactions on what you have presented.
13 And thank you, it was a fairly clear presentation.

14 I would like to first say that notice was
15 perhaps legally given, but notices are not even a needle
16 in a haystack; they are a piece of straw in a haystack.
17 It is very, very difficult for members of the public to
18 find each and every meeting because there are so many of
19 them. I mean, we are just -- we are inundated. Every
20 project has several meetings and different commissions
21 and boards, and so forth.

22 So, the County's obligation is not just to
23 notify, but to do County outreach because this is such a
24 comprehensive redevelopment project and we would like to
25 have public workshops resolving major policies such as

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1 this one before these projects go railroading through.
 2 It's just impossible, as members of the public. We're
 3 working full-time and then we're doing this in our spare
 4 time, trying to come prepared, trying to bring the issues
 5 before you that matter.

6 So we would like to have workshops on this
 7 before you do your revised report. We think this is
 8 necessary.

9 To get to your policy itself, number one, I
 10 would like to ask why are there no community
 11 representatives on your task force. That --

12 [Applause]

13 That seems to me to be the most glaring aspect of this
 14 whole thing. The community is, you know -- you're
 15 bringing this to us like little children. This is very
 16 insulting and we would like to see a member of the
 17 community who is very involved in housing issues be
 18 included in this task force. That will allow us to get
 19 better information more quickly.

20 I'm happy to see that the in lieu fee will be
 21 abolished. I leave [?] Ms. Brown's testimony about the
 22 covenant lasting for the term of the lease -- I support
 23 that. I think that's very important.

24 The fourth one, the proposal to base
 25 replacement units on this income survey is absolutely

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1 require maybe only a few or perhaps even no replacement
 2 units. That doesn't seem like a very good policy to me.

3 MR. KREIMANN: Fifteen seconds, Ms. Marino.

4 MS. NANCY MARINO: Okay, all right. Well, all
 5 right.

6 Second, next one. The item on vacant units.
 7 They need to be classified in proportion to the occupied
 8 units. Otherwise there's just, there is the motivation
 9 for lessees to keep -- to get those units vacant before
 10 these surveys are done. This is not acceptable.

11 Number six: On your evictions for cause. If
 12 the cause was nonpayment of rent, I think there needs to
 13 be an investigation into the rental rate increases on
 14 that unit, starting from perhaps January 1st of this year
 15 or at some base point to determine that they weren't just
 16 increased rent out of a unit. You know, that they no
 17 longer could afford it and so that they voluntarily
 18 moved.

19 MR. KREIMANN: Okay.

20 MS. NANCY MARINO: Is there someone who could
 21 grant me some time?

22 MALE VOICE: [Inaudible]

23 MS. NANCY MARINO: Okay. He's going to cede me
 24 his time. Is that acceptable?

25 MR. KREIMANN: Unfortunately, it's my time.

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1 ludicrous. I don't even know where to start with this.
 2 You're going to ask people for all of this personal,
 3 private information and insist that they give testimony
 4 in these -- or in their responses under penalty of
 5 perjury. Now, you're going to ask for information on all
 6 household members and supposedly exclusively to determine
 7 replacement housing eligibility. I don't trust that that
 8 information is going to be used just for that. And I
 9 would not be very -- I would be very reluctant to give
 10 that information out. I might wonder if I were
 11 struggling to pay my rent if this information might not
 12 be used by the lessee to try to shove me out a little bit
 13 early, get rid of me because what if they think I don't
 14 have enough money to pay the rent?

15 And it also -- it predetermines based on some
 16 government criteria how people should be spending their
 17 money and what is appropriate. Right now, to use your
 18 example of a two hundred-unit complex being replaced by a
 19 five hundred-unit one, well, supposing -- let's see,
 20 where's that. Okay, if all the units in the existing two
 21 hundred building are affordable housing now, what if none
 22 of the present occupants -- or what if the present
 23 occupants are either unwilling or unable to prove that
 24 they fit the government-determined criteria for need.

25 That would mean that the new building would

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1 So, I'll give you one last -- one last comment.

2 MS. NANCY MARINO: I have a couple more,
 3 actually. If he has three minutes and he cedes it to me,
 4 why is that your time?

5 MR. KREIMANN: It's my time. It's -- last
 6 comment.

7 MS. NANCY MARINO: Oh.

8 MR. KREIMANN: Well, go ahead.

9 [Audience speaking over]

10 MR. KREIMANN: Go ahead.

11 MS. NANCY MARINO: All right. I would like to
 12 know how aggressive County will be with regard to
 13 unfeasibility appeals. The replacement and inclusionary
 14 housing off-site provides for siting within three miles
 15 of the coastal zone where the land values are much lower
 16 than in the coastal zone. This -- sorry. This provides
 17 a huge incentive for developers to engineer
 18 unfeasibility. So, I want to know what protections --
 19 how you determine -- I want to know how aggressive you
 20 will be in challenging any unfeasibility claim.

21 And also, as far as if the housing is replaced
 22 off-site, I think there needs to be a greater than one-
 23 to-one ratio -- because of this different in cost, it's
 24 much cheaper to build inland because of the land values.
 25 So there should be more units replaced, not simply the

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1 number that would be built here in the coastal zone. And
 2 then --
 3 MR. KREIMANN: Last comment.
 4 MS. NANCY MARINO: Okay. It's all I could come
 5 up with anyway. In the additional provisions there are
 6 two references to applicants' proposals: one for rental
 7 and ownership units and one for ownership units. Marina
 8 del Rey is public land, mandated for a small craft harbor
 9 and public recreation. Why on earth is the County
 10 contemplating and even here promoting ownership? This is
 11 just wrong. We have not been able to own here in the
 12 Marina for years. We were told that's because it's
 13 public land and no one can own here. So why are you
 14 offering our public land for sale? Thank you.

15 [Applause]

16 MR. KREIMANN: Thank you. Our next speaker is
 17 Steve Clair [phonetic].
 18 MR. STEVE CLAIR [phonetic]: Good evening,
 19 members of the Affordable Housing Task Force. My name is
 20 Steve Clair. I am Executive Director of the Venice
 21 Community Housing Corporation. We're a non-profit,
 22 affordable housing developer that operates in Venice and
 23 Mar Vista area. We're vitally concerned about the loss
 24 of affordable housing in our community and within the
 25 coastal zone. Venice Community Housing Corporation first

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1 within the coastal zone. One must ask the question, what
 2 is the proposed policy trying to accomplish. If it's to
 3 interpret the Mello [phonetic] Act in a way that would
 4 minimize the obligation to provide affordable housing in
 5 the Marina, maximize the profit to developers who will
 6 reap -- the profits of developers will reap from leasing
 7 and developing this public land, the policy succeeds.
 8 If, however, the County is trying to advance a public
 9 policy that recognizes and I'm quoting now from the
 10 Government Code: "There exists within the urban and
 11 rural areas of this State a serious shortage of decent,
 12 safe and sanitary housing for persons and families of low
 13 and moderate income and consequently a pressing and
 14 urgent need for the preservation and expansion of low-
 15 and moderate-income housing supply."

16 This policy fails miserably. I know I don't
 17 have the time -- in the time that's been allotted to me
 18 to speak specifically in any detail about the various
 19 areas that the policy is deficient. But let me just
 20 itemize some.

21 Regarding the policy of replacement units, the
 22 policy, as other people have mentioned, authorizes
 23 several exemptions from replacement requirement that are
 24 not authorized by the Mello [phonetic] law. These
 25 include the units occupied by managers, students, units

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1 investigated the issue of the City's non-compliance with
 2 the Mello [phonetic] Act back in the early nineties and
 3 spent a considerable amount of time trying to work with
 4 the City to develop policies and procedures which would
 5 fairly implement the Mello [phonetic] law.

6 When the City refused to develop such plans or
 7 effectively implement the Mello [phonetic] law, we were
 8 among those who helped to bring a lawsuit against the
 9 City of Los Angeles and thanks to the Court of Appeal and
 10 litigation which, I presume, that you are familiar with,
 11 the Court directed that the City did have a mandatory
 12 obligation to comply with the requirements of the Mello
 13 [phonetic] Act. And after the Court of Appeals made that
 14 directive to the City, I'll have to say that the City did
 15 in fact operate in good faith and worked with the
 16 plaintiffs and the plaintiffs' attorneys to develop
 17 policies and procedures which did actually comply with
 18 the spirit as well as the letter of Mello [phonetic] law.
 19 And I would say that we seek no less from the County.

20 We've already sent a letter to the Board of
 21 Supervisors about the issue. I have copies here. I'd
 22 like to give them to the Affordable Housing Task Force
 23 for its consideration as well. In sum and substance, the
 24 policy as crafted does not further the underlying
 25 objectives of preserving and expanding affordable housing

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1 that have been vacant within a year from the term sheet
 2 negotiations.

3 It only requires affordability for these
 4 replacement housing for thirty years. Other people have
 5 commented on that. And it allows for the rehabilitation
 6 of existing units also rather than replacement with new
 7 units. Regarding inclusionary units in new construction,
 8 the biggest loophole is that the County policy sets no
 9 requirement, only a goal. And that goal is only five
 10 percent for very low and ten percent for low in the new
 11 units to be constructed.

12 And, of course, the feasibility as presented by
 13 -- in this draft policy, rests on the pro forma of the
 14 developer. The City of Los Angeles came to the just
 15 conclusion that the developer was not -- was always going
 16 to be able to manipulate his pro forma, is always going
 17 to demonstrate that he didn't have the, you know, the
 18 ability to create the affordable housing within the
 19 project.

20 So the City did its own analysis and came to a
 21 categorical conclusion that it was feasible in projects
 22 of excess of ten units to provide twenty percent of those
 23 units that is affordable to low-income people or ten
 24 percent affordable to low-income, very low-income people.

25 MR. KREIMANN: Fifteen seconds.

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1 MR. STEVE CLAIR: I would also then state that
2 the thirty units -- I agree with the previous speaker who
3 said that it should be at least the term of the lease, if
4 not in perpetuity. There's no -- why not? That's the
5 purpose to be furthered. Double counting the density
6 units and the -- and the Mello [phonetic] units. You
7 know, both of those laws are intended to advance the
8 increase of affordable housing. Allowing a developer to
9 count this same unit to satisfy two policies is clearly
10 contrary to the objectives on the policy that underlies
11 both of those laws.

12 So, in sum, I urge you to throw out the
13 existing draft, start over, keeping in mind that the
14 affordable housing crisis that exists in this County and
15 the public policies that underlie the law that you are
16 charged to implement and the clear and unambiguous
17 language of the law itself. Thank you very much.

18 MR. KREIMANN: Thank you, Mr. Clair.

19 [Applause]

20 MR. KREIMANN: Our next speaker, Violetta
21 Hudson. Is she here? Okay, we'll move on. Karen
22 [phonetic] Stone, please.

23 HELEN GARRIT: [Inaudible]

24 MR. KREIMANN: Helen, I'm not going to do this.

25 HELEN GARRIT: [Inaudible] ... Supervisors'

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1 to make a comment. You know, we've been extremely
2 patient and we've sat here, listened to all the
3 testimony. I'm asking again to please have some decorum.
4 The fact that you feel you have more to say -- you've had
5 your three minutes allotted. It's not fair to the other
6 side either that the speakers that have already spoken,
7 they didn't have the benefit of additional time to
8 present additional testimony. It's not fair to those
9 individuals. So let's get back to the program and let's
10 have our next speaker. So, yeah, I'm very disappointed
11 in that outburst. But that's my personal opinion.

12 My next speaker, you've spoken already, haven't
13 you?

14 MS. KAREN STONE: No, you just called me.

15 MR. KREIMANN: Dorothy?

16 MS. KAREN STONE: No.

17 MR. KREIMANN: Okay, let's call Karen Stone,
18 then.

19 MS. KAREN STONE: I don't know -- is this
20 working?

21 MR. KREIMANN: It's working. Go ahead.

22 MS. KAREN STONE: You know, I -- it's been very
23 difficult for all the citizens in the Marina these past
24 few years, but I think that the senior citizens and for
25 the elderly it's been really difficult. I mean, I know

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1 intention -- to make the Marino look like downtown
2 Manhattan, but they will preserve this new housing for
3 the rich only. A modest one-bedroom apartment will rent
4 for two thousand three hundred dollars a month. And I
5 don't think people can afford that. It's the
6 Supervisors' job to plan for low-income housing. The
7 public-private joint venture under the Mello [phonetic]
8 Act is the only just way that the five Supervisors can
9 possibly respond to this housing crisis to offer only
10 five percent is disgusting. It's unjust.

11 MR. KREIMANN: Helen --

12 MS. HELEN GARRIT: The five percent policy
13 being offered clearly demonstrates a supervisorial bias
14 towards rich developers and rich people who can already
15 afford to live anywhere.

16 MR. KREIMANN: Helen -- you've got to preserve
17 --

18 MS. HELEN GARRIT: The Supervisors are mandated
19 and required to build affordable housing in such a tight
20 market. The people of the Marina want affordable rents
21 in their neighborhood. Every person here should demand
22 the Supervisors reject this draft plan and do their job.
23 Give us affordable housing in the Marina.

24 [Applause]

25 MR. KREIMANN: Thank you. I think -- I'd like

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1 how hard it's been on people like me and people in my age
2 bracket, but that's what you're seeing. It's very scary.
3 So, that's what's going on.

4 I came along to talk a little bit about what
5 she was saying. I've lived in the Marina for eighteen
6 years and I want to know why all of you are making -- and
7 LA County is making decisions for our city. The citizens
8 should be making decisions for our city. And the big
9 problem is, we are not even allowed to vote for the Mayor
10 of LA because we don't live in the City of LA and we
11 don't have our own representation in LA County because LA
12 -- for the city, because LA County won't allow it. So we
13 have a huge problem here and it's got to stop. The
14 citizens of Marina del Rey should be allowed to make the
15 choices for their own city.

16 And other cities get to make their own choices.
17 Why can't we? So, I think you're going to see a lot of
18 changes. People are really getting tired of it.

19 The next thing is I have watched the past few
20 years all the business owners getting pushed out. It is
21 a known fact that LA County has decided a few years ago
22 that they had no money. And Marina del Rey was the
23 biggest money maker for LA County. So they decided to
24 gouge all the citizens in the Marina because they need
25 money. Well, first of all, I want to know where all our

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1 taxes are, because I know I pay a fortune in taxes.
 2 And the citizens of Marina del Rey are not LA
 3 County's mother and father. You know, we were not put on
 4 this earth to support the County. LA County is one of
 5 the biggest counties in America and if they don't have
 6 any money, there's a problem. And we deserve to know
 7 where all of our taxes are going. And it should not be -
 8 - we should not have to be paying astronomical amounts of
 9 rent in this city because LA County has no money.
 10 I have just been forced out of my second
 11 apartment in two years because of astronomical rent
 12 raises. And I would also like to know with all the
 13 problems with Art Stone why the County is allowing them
 14 to continue buying -- to buy up every single apartment
 15 complex in this city.
 16 [Applause]
 17 If you go to the courthouse, they have over
 18 thirty-five hundred lawsuits against them. I had to sue
 19 them; they wouldn't even give me my security deposit
 20 back. Their attitude toward everyone is "sue us."
 21 Everything they're doing is illegal, immoral, unethical.
 22 They are raising rents anywhere from five hundred to two
 23 thousand dollars a month and LA County just doesn't care.
 24 But you guys cannot make decisions for our city anymore.
 25 Because I'll tell you something, everyone is sick of it,

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1 not be allowed to just raise rents to whatever they want
 2 and force people out.
 3 MR. KREIMANN: Thank you.
 4 MS. KAREN STONE: And it's really serious.
 5 MR. KREIMANN: Thank you.
 6 [Applause]
 7 MR. KREIMANN: Our next speaker is Ted Vance.
 8 FEMALE MEMBER OF AUDIENCE: [Inaudible]
 9 MR. KREIMANN: Ted Vance?
 10 MALE MEMBER OF AUDIENCE: [Inaudible]
 11 MR. KREIMANN: Yes.
 12 [Audience member speaking over]
 13 MR. KREIMANN: No, it's Ted Vance or no one.
 14 [Inaudible]
 15 MR. VANCE [?]: I guess I'm watching this and
 16 I'd like --
 17 MR. KREIMANN: Can you turn the microphone up,
 18 please.
 19 MR. VANCE: I'm watching the proceedings here
 20 and I'm interested in how it would be if a developer who
 21 wants to make a development would do his own feasibility
 22 study as to whether or not it's feasible to follow the
 23 law. We have rule of law here.
 24 [Applause]
 25 This is the United States. We don't ask

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1 really sick of it.
 2 [Applause]
 3 Yeah, I mean, because no one -- you're supposed
 4 to be representing the citizens of our city, but no one
 5 is.
 6 [Applause]
 7 MALE MEMBER OF AUDIENCE: Hear, hear.
 8 MR. KREIMANN: Fifteen seconds.
 9 MS. KAREN STONE: All right, well --
 10 MR. KREIMANN: Did you make a comment about the
 11 policy?
 12 MS. KAREN STONE: Well, also, we need rent
 13 control in this city. I want to know why people like
 14 Marina Harper and Art Stone can just raise rents on
 15 people -- I just moved in to Marina Harbor. I moved in
 16 for a couple months, I got a letter: we just want you to
 17 know that when your lease is up, we're going to raise
 18 your rent three hundred dollars. Art Stone's raising
 19 rents nine hundred dollars a month on people. I want to
 20 know why that's being allowed. There's a problem here.
 21 And yes, we need affordable housing, but we also need
 22 rent control, because not everyone can pay three thousand
 23 dollars for a one-bedroom, four thousand dollars for a
 24 two-bedroom. There's a problem.
 25 The owners of the apartment complexes should

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1 developers if they can comply with the law. We tell them
 2 they will and we check that they do. That's all I have
 3 to say. Thank you.
 4 MR. KREIMANN: Thank you. Cindy Sterrit
 5 [phonetic].
 6 MS. ____: Thank you, Mr. Kreimann. I think
 7 it's a violation of our free speech if somebody gets up
 8 here and says they want somebody else who may have a
 9 little more knowledge and has had time to prepare can
 10 speak for them. I don't think you can deny the person
 11 that privilege. Thank you.
 12 MR. KREIMANN: Hold on.
 13 [Audience speaking over]
 14 MR. KREIMANN: I think it is that the task
 15 force has the time -- the task force has the ability to
 16 set rules for the agenda so that everyone can speak just
 17 like we do at Regional Planning Commission hearings, as a
 18 lot of you know. In fact, in the Regional Planning
 19 Commission hearings we often have the Sheriff to handle
 20 situations where there are outbursts and where people get
 21 up and speak when they're not supposed to. I'm not
 22 advising, but if we do have any further hearings, that
 23 might be necessary here. We're trying to run a decent
 24 decorum here and give everyone respect.
 25 MS. ____: Are you interested in knowing what

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<p>1 the public thinks about this? Or are you simply 2 interested in holding a session so you can say you 3 solicited our input? 4 MR. KREIMANN: The next speaker, please. Cindy 5 Sterrit? 6 MS. CINDY STERRIT [phonetic]: Hi, I'm Cindy 7 Sterrit from Latham & Watkins. We're helping Villa 8 Venetia, but I also handled the most recent case in the 9 City of Los Angeles on the Mello [phonetic] Act and 10 worked closely with the Legal Aid lawyers that are here. 11 I have a different perspective from some of the 12 people that have spoken. I think the County has been 13 tremendously responsive. Compared to the City, the City 14 has had an inland settlement agreement for six years 15 coming out of a lawsuit. That interim settlement 16 agreement was written in the year 2000. They have still 17 not been able to adopt a permanent policy. 18 The City agreement that was cited here earlier, 19 I think not very clearly, indicated that they required 20 double the affordability percentages ten and twenty. 21 That's because they reflected what State law was at that 22 time. The County is accurately reflecting what the 23 density bonus percentages are now. Sacramento made those 24 percentages after a lot of review of what the costs are 25 of subsidizing affordable units and to what extent they</p> <p style="text-align: right;">Page 90</p>	<p>1 you proposed a policy, the Board of Supervisors has 2 already had one hearing on that policy, you're having a 3 hearing tonight. There will be environmental review. 4 So, again, in comparison to the City, and I do a lot of 5 work in the City, the County is moving quickly and 6 listening to everyone. We appreciate that. We look 7 forward to continuing as part of this process, but we do 8 think that in fairness, the responsiveness really needs 9 to be recognized. Thank you. 10 MR. KREIMANN: Thank you very much. I have one 11 last speaker, the final speaker. Is there anyone else 12 that needs to fill out a card that has not spoken? 13 Dorothy Franklin? Yes. 14 MS. DOROTHY FRANKLIN: I would like to concede 15 my time to [inaudible]. 16 MR. KREIMANN: I can't allow you to do that. 17 [Audience speaking over.] 18 MR. KREIMANN: What we can do for the balance 19 of our time, then, is we would be more than happy to 20 entertain any questions on the draft policy that we can 21 clarify for you on -- 22 FEMALE MEMBER OF AUDIENCE: [Inaudible] 23 MR. KREIMANN: I'm not going to take any 24 statements in that the questions please need to refer to 25 the draft policy. So we'll take about a ten to fifteen</p> <p style="text-align: right;">Page 92</p>
<p>1 could cause the private sector to create affordable 2 units. 3 The cost of subsidy on the Venice project that 4 we worked on was over a million dollars a unit for on- 5 site subsidies. The cost of off-site subsidies even in 6 an affordable housing project is going to be two hundred, 7 three hundred, four hundred thousand dollars a unit. So 8 these are very, very big numbers. The reason we think 9 the County's policy is appropriate is that the County 10 should think about do we want to spend a million dollars 11 a unit with no choice as to whether we should allow a 12 developer to partner with an affordable housing provider 13 and perhaps provide five or six units off-site instead of 14 one unit on-site. We think that's a very appropriate 15 public policy consideration. 16 Your job, the County's job is the big picture. 17 Obviously all the people here, including me, are here 18 with specific properties in mind. But we think that is 19 an important factor to think about -- how is it going to 20 affect the big picture. 21 The County has moved very quickly. Concerns 22 were expressed, again, by some of the people in this room 23 at project hearings about your policy within the last few 24 months. You immediately said, okay we're going to change 25 our current policy, we're going to adopt a new policy,</p> <p style="text-align: right;">Page 91</p>	<p>1 minute Question/Answer. 2 FEMALE MEMBER OF AUDIENCE: I have a question - 3 - the policy that -- 4 MR. ____: To the microphone, please. 5 MR. KREIMANN: Sorry. 6 MR. ____: Please identify yourself. 7 CARLA ANDREWS [phonetic]: Carla Andrews. I 8 would ask, you know, number one, the boating community 9 has been compartmentalized and separated. They are 10 tenants of Marina del Rey and there already exist for 11 them affordable housing that's been available 12 historically throughout all of Marina del Rey. So, I 13 think that you should also make sure that since that 14 housing is already there, it exists, it meets all of your 15 criteria for feasibility -- I want to make sure that the 16 boating community is addressed in this policy and not put 17 aside and underrepresented as they are now. 18 MR. KREIMANN: Okay, thank you. 19 MS. CARLA ANDREWS: My question is -- 20 MR. KREIMANN: Your question. 21 MS. CARLA ANDREWS: How will that -- how will 22 that be placed in your policy? I didn't see much about 23 it in this new draft. 24 MR. KREIMANN: Okay, thank you. I believe the 25 answer, and maybe Mr. Farnen can amplify.</p> <p style="text-align: right;">Page 93</p>

<p>1 MR. FARNEN [Phonetic]: This policy will deal 2 strictly with affordable housing. It will not deal with 3 voter rights or other Board issues. 4 MS. CARLA ANDREWS [?]: But it is an important 5 issue. 6 MR. FARNEN: It will not be dealt with in this 7 policy. 8 MR. KREIMANN: Does anybody else have a 9 question -- on the policy, please. 10 MS. ____: Hi, thank you very much. Quick 11 question. I just want to know in terms of the public 12 comment process today, are you going to be preparing a 13 report for the Board of Supervisors that merely reflects 14 the comments today, or will you be taking our comments 15 back considering revisions to the plan, proposing 16 revisions and then taking them back to the Board? 17 MR. KREIMANN: The task force will be taking 18 your comments, they will be reviewing them and we will be 19 presenting options to the Board of Supervisors based on 20 your comments. Any other questions? Last question. 21 MS. ____: The last question? 22 MR. KREIMANN: That's correct, you're the last 23 question. 24 MS. ____: When will we have our workshops? 25 And when will you outreach to the rest of this community?</p> <p style="text-align: right;">Page 94</p>	<p>1 housing policy affects every single person in Marina del 2 Rey. I think a mailing to every single person in Marina 3 del Rey is a minimum requirement. 4 [Applause] 5 MR. KREIMANN: Karen, Karen -- last question, 6 Karen. 7 MS. KAREN STONE: [Inaudible] 8 MR. KREIMANN: Can you come to the mike, 9 please? 10 MS. KAREN STONE: [Inaudible] 11 MR. KREIMANN: Hold on, come to the microphone. 12 MS. KAREN STONE: Instead of a meeting at five 13 o'clock when most people work, can we make it like 14 six-thirty when people can get home from work and they 15 know about it. Most people are still working at five 16 o'clock. 17 MR. KREIMANN: Well, I think the reason that we 18 have the meeting until eight o'clock is so that we could 19 include that particular population at this point. 20 MS. KAREN STONE: Yeah, but what I think what - 21 - I think most people, if they don't come near the 22 beginning, they're not going to show up. At least if you 23 could make it six, six-thirty, maybe a little later? 24 MR. KREIMANN: Okay. We'll take that under 25 advisement.</p> <p style="text-align: right;">Page 96</p>
<p>1 It has to be before your ninety days and sooner the 2 better so that people have time. 3 MR. KREIMANN: Thank you. Thank you. 4 [Applause] 5 MR. KREIMANN: My previous answer hasn't 6 changed. The answer is that we have a deadline to meet. 7 The input that we have -- that you have provided today 8 will be considered. We'll put a report together. We do 9 not plan on having any workshops. 10 FEMALE MEMBER OF AUDIENCE: [Inaudible] 11 MR. KREIMANN: We'll be sensitive to your 12 issues -- thank you. 13 MR. ____ [from the stage]: Santos, we're going 14 to provide a copy of our report to the Board of 15 Supervisors in what, two weeks in advance of the meeting 16 and we'll do our best to ensure that the community is 17 advised as to what that hearing date is. It'll be on the 18 Beaches and Harbors website. I promise we will post 19 notice here at the library and our Beaches and Harbors 20 headquarters. We'll make sure that The Argonaut 21 publishes that. We'll do a direct mailing list if anyone 22 wants to give me -- give Santos their card, we'll be 23 happy to provide that report to them in advance of the 24 meeting. 25 FEMALE MEMBER OF AUDIENCE: Excuse me, this</p> <p style="text-align: right;">Page 95</p>	<p>1 MS. KAREN STONE: For all the workers. 2 MR. KREIMANN: Thank you. 3 MS. KAREN STONE: Okay, thank you. 4 MR. KREIMANN: I want to thank everyone for 5 coming. 6 FEMALE MEMBER OF AUDIENCE: [Inaudible] 7 MR. KREIMANN: Yes. Yes. Do we have -- ? You 8 know what I've done, is we put it -- there's a sheet of 9 paper on the table over there that has my information, so 10 you can just as you exit, you can go ahead and pick it 11 up. 12 MR. ____ [from the stage]: I emphasize that 13 you let Santos know if you want to know the date of the 14 public hearing before the Board of Supervisors, let us 15 know so we can get you a copy of the report. Okay, 16 please grab the information on the side table. We want 17 to make sure you have that in your hands so that if you 18 have an interest, you can appear before the Board. Thank 19 you. 20 MR. KREIMANN: Yeah, I do have the speaker 21 cards, but a lot of these do not have addresses, so I 22 will be sending out whoever has the speaker card with the 23 complete information, will get the policy -- the report. 24 Thank you for attending. We appreciate your comments. 25 Thank you very much.</p> <p style="text-align: right;">Page 97</p>

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